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MONTANA LEGISLATIVE HISTORY

Chapter 470 Session L 1973
Bill House ____ Senate 28

History and final status sheet NA
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Judiciary

Hearing date(s)* 2-15 2-28
2-26/7 3/1

Executive action (vote) date(s)* ____

Comm. Report NA

Floor 2nd reading & vote 3/2; 3/5

Floor 3rd reading & vote 3/7

Senate Committee on Judiciary

Hearing date(s)* 1/3 1/22
1/15

Executive action (vote) date(s)* 1/22

Comm. Report NA

Floor 2nd reading & vote 1/29

Floor 3rd reading & vote 2/1

Conference or Free Conference Comm. X Yes ____ No

Hearing date(s)* 3/16

Executive action (vote) date(s)* 3/16

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? ____ Yes X No

Committee ____ Report ____

NOTES:

State Law Library of Montana

Compiled by: rg

Date: 1/29/21

IMPLEMENTING THE
1972 CONSTITUTION

SENATE BILL NO. 28

INTRODUCED BY Neil J. Lynch and Jim Moore (by request)

93-209, 93-220, 93-309

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE AND SUPREME COURT JUSTICE TO COMPLY WITH ARTICLE VII, SECTION 8 OF THE 1972 MONTANA CONSTITUTION; REPEALING SECTIONS 93-209, 93-220, 93-309, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is created a judicial nomination commission composed of nine (9) members as follows:

(1) Three (3) district court judges from different judicial districts appointed by the supreme court;

(2) Two (2) attorneys from different congressional districts appointed by the Montana bar association;

(3) The attorney general of the state of Montana;

(4) Three (3) citizens, who are neither judges nor attorneys, active or retired, two (2) of whom must be from different congressional districts, appointed by the governor and confirmed by the senate as follows:

(a) one (1) citizen shall represent the agricultural

interest of the state and be a resident taxpayer whose primary occupation is farming or the livestock business;

(b) one (1) citizen shall represent labor and must be a resident of the state and a member in good standing of a labor union;

(c) one (1) citizen shall represent business and shall be a resident taxpayer actually engaged in business in the state of Montana.

Section 2. (1) The original appointments made under this act are as follows:

(a) The supreme court shall select two (2) district court judges to serve four (4) year terms and one (1) to serve a two (2) year term.

(b) The Montana bar association shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The governor shall appoint two (2) citizens to serve two (2) year terms and one (1) to serve a four (4) year term.

(2) Thereafter, all terms shall be for four (4) years.

(3) Appointments made by the governor when the senate is not in session are effective until the end of the next session. If the appointment is not confirmed, the governor shall appoint another member.

Section 3. The commission shall appoint one (1) of its members to serve as the secretary of the commission who shall keep a record of all votes upon the name of any person considered for submission to the governor. The record shall be a public record and maintained in the office of the clerk of the supreme court.

Section 4. Five (5) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least five (5) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons.

Section 6. The commission shall meet within thirty (30) days after a vacancy occurs on the supreme court or district court and submit to the governor within forty-five (45) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. The governor may refuse to nominate any candidates from the first list and request the commission to prepare one (1) additional list. After notification, the commission has five (5) days, exclusive of Saturdays, Sundays, and legal holidays, to compose a second list, that may not contain any names from the first list. If there are not sufficient qualified applicants to compose a second

list, then the governor must nominate a candidate from the first list.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the first list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the commission or for one (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

-End-

SENATE COMMITTEE ON

JUDICIARY

DATE

NAME	1/2	1/3	1/4	1/8	1/9	1/11	1/15	1/16	1/18	1/22	1/24	1/26	1/29	1/30	2/1	2/2	2/5	2/6	2/7	2/11	2/8
MCKEON, CHAIRMAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GILFEATHER, VICE-CHAIRMAN	✓	E	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
BOYLAN	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
MRS. HALL		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	E
ZODY	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
~~DRAKE~~ Mathers	✓	✓	✓	✓	✓	✓	E	E	E	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HARRISON	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
MOORE	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TURNAGE	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

ROLL CALL

Judiciary COMMITTEE

43rd LEGISLATIVE SESSION 1973

DATE	2/9	2/13	2/16	2/19	2/20	2/21	2/22	2/23	2/24	2/27	2/26	2/27	2/28	3/1	3/2	3/4	3/5	3/8
CKEON, CHAIRMAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ELFEATHER, V. CH.	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
OYLAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ODY		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ALL	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
ATHERS	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ARRISON		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
ORE		✓		✓			✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
RNAGE	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

SENATE JUDICIARY COMMITTEE MEETING---January 3, 1973

The meeting was called to order by the Chairman, Senator McKeon. All members were present with the exception of Senator Gilfeather who was ill.

The committee discussed several bills:

SJR No. 1--Senator Harrison moved that the bill do pass. Senator Drake seconded the motion and the committee voted unanimously to recommend the bill DO PASS.

SJR No. 2--Senator Drake moved that the bill do pass. Sen. Boylan seconded the motion and the committee voted unanimously to recommend the bill DO PASS.

SJR No. 3--Sen. Harrison moved that the bill be amended by striking lines 5, 6, and 7 on Page 3. The motion was seconded by Sen. Hall and the committee voted unanimously to amend the bill. Sen. Harrison moved that the bill do pass as amended and the motion was seconded by Sen. Hall. The committee unanimously voted the bill DO PASS AS AMENDED.

SJR No. 4--Sen. Harrison moved that the bill do pass. Sen. Zody seconded the motion; and the committee unanmously recommended DO PASS.

SB No. 3--Sen. Drake moved the bill do pass. Sen. Harrison seconded the motion; and the committee unanimously recommended the bill DO PASS.

SB No. 4--Sen. Drake moved the bill do pass. Sen. Harrison seconded the motion. The committee unanimously recommended do pass. Senator Turnage moved that this bill be reconsidered for amendments. Sen. Moore seconded. The committee unanimously voted to reconsider. Sen. Turnage moved that the bill be amended on Page 2, Line 7 by striking the words "default of appearance or by" after the word "upon" and before the word "written" so that this section will read "Upon written consent of the parties..." Moore seconded this motion and the committee voted unanimously in favor of it. Sen. Turnage moved this bill do pass as amended; Sen. Moore seconded the motion; the committee unanimously agreed that the bill DO PASS AS AMENDED.

SB No. 6--The chairman decided to hold this bill back so that further study could be done. Sen. Harrison felt implementation of the bill should go into effect before July 2.

SB No. 8--The committee decided to contact Roger Hazell of the Legislative Council staff to help discuss the bill.

SB No.19--Sen. Harrison moved the bill do pass; Sen. Drake seconded the motion; the committee unanimously voted in favor of the motion that the bill DO PASS.

SB No.22--Sen. Harrison moved the bill do pass; Sen. Hall seconded the motion; the committee voted unanimously the bill DO PASS.

SB No. 23--The committee decided to study this bill further before taking any action.

SB No. 26, 27, 28, and 29--The Chairman moved to place these bills into a subcommittee with Senator Turnage appointed as Chairman. Senator Drake and Senator Hall will be on the subcommittee also.

SB 31 and 32--The Chairman moved that these bills by placed under the above mentioned subcommittee headed by Senator Turnage.

SB No. 34--Senator Turnage motioned that this bill do pass; Senator Hall seconded; and the committee unanimously voted to favor the motion.

Kayle Jackson
~~Kyle Carlson~~ will be the researcher for the committee and will be available to work for all its members.

The meeting was adjourned.

Senator Luke McKeon, Chairman

SENATE JUDICIARY COMMITTEE---January 15, 1973

The meeting was called to order by Senator McKeon. All committee members were present with the exception of Senator Drake who was ill. A hearing was held on SB 23. Judge George Shay and John R. Wimmer, both representing the Montana Magistrates Association, spoke in favor with certain recommendations. The chairman put this bill into a subcommittee; on the subcommittee are Senators Harrison and Zody.

The subcommittee on SB 26, 27, 28, 29 made up of Senators Turnage, Drake and Hall submitted their recommendations on these bills. They felt that SB 26, 27, and 29 should not pass. This committee also studied SB 31 and 32 and reported on these bills also. They recommended that SB 31 do not pass.

They gave the committee their suggested amendments on SB 28 and 32:

SB 28 On page 1, Line 15 by striking the word and number "nine (9)" and adding the word and No. "seven (7)" after the word "of" and before the word "members"

And further amend on page 1, line 19 by striking the words "Montana Bar Association;" and adding the words "Supreme Court who have practiced law in this state for at least ten years;" after the word "the" on line 19.

And further amend on page 1, section 1 by striking subsection (3) and by renumbering subsection (4) and making it subsection (3).

And further amend on page 1, line 21 by striking the word and number "three (3)" and adding the word and number "two (2)" before the word "citizens"

And further amend on page 1, line 22 by striking the words and number "two (2) of whom" and adding the word "who" as it appears after the word "retired," and before the word "must"

And further amend on page 1, line 23 by adding the punctuation mark "period (.)" after the word "Governor"

And further amend on page 1 by striking in their entirety lines 24 and 25.

And further amend on page 1 by adding a new subsection (4) which reads "(4) All appointments shall be confirmed by the Senate; appointments made when the Senate is not in session are effective until the end of the legislative session."

And further amend on page 2, section 2, line 14 by striking the words "The Montana Bar Association" and adding the words "The Supreme Court" before the word "Shall" in line 14.

And further amend on page 2, line 17 by striking the words "two (2)" and adding the word and number "one (1)" after the word "appoint" and before the word "citizens" and by striking the "s" in "citizens" so that it will read "citizen"

Andfurther amend on page 2, line 18 by adding the word "a" after the word "serve" and before the word "two" and by striking the letter "s" in the word "terms" to make it read "term"

And further amend on page 2, lines 22, 23, 24, and 25, by striking them in their entirety.

And further amend on page 3, line 3 by striking the word "a" and adding the word "its" after the word "keep" and before the word "record" and by adding "s" to the word "record" so that it reads "records" and by adding a punctuation mark " eriod (.)" after the word records, and deleting the remainder of section 3 after the word "record"

And further amend on page 3, line 7 by striking the word and number "five (5)" and adding the word and number "four (4)" before the word "members"

And further amend on page 3, line 10 by striking the word and number "five (5)" and adding the word and number "four (4)" after the word "least" and before the word "members"

And further amend on page 3, lines 14 and 15 by striking the words "within thirty (30) days" and adding the word "forthwith" after the word "meet" and before the word "after"

And further amend on page 3, lines 16 and 17 by striking the word and number "forty-five (45)" and adding the word and number "fifteen (15)" after the word "within" and before the word "days"

And further amend on page 3, line 25 by striking the word "applicants" and adding the word "nominees" after the word "qualified" and before the word "to"

And further amend on page 4, line 1 by adding the words "acceptable to the governor" after the word "list" and before the punctuation mark 'comma (,)"

And further amend on page 4, lines 1 and .2 by striking the words "the first list" and adding the words "those names available for a second list or from the first list" as they appear after the word "from

SB 32 On page 1, lines 16 and 17 by striking the words "the executive board of the Montana Bar Association" and adding the words "the Supreme Court" after the word "by" and before the word "and"

And further amend on page 1, lines 20 and 21 by striking the words "and confirmed by the Senate" and by adding punctuation "period (.)" after the word "governor"

And further amend on page 1, line. 21 following subsection 3 by adding a new subsection 4 to read "(4) All appointments shall be

And further amend on page 2, line 21 by adding the words "and upon the finding of good cause" after the word "necessary" and before the word "may"

And further amend on page 3, line 4 by striking the words "good cause" and adding the words "the charges true" after the word "finds" and before ",it"

And further amend page 3, lines 14 and 15 by striking the words "in its discretion may permit the introduction of additional evidence." as they appear after the word "and" and by adding the words "shall make such determination as it finds just and proper and may:" after the word "and"

And further amend page 3, section 7, lines 16 and 17 by striking "(2) the Supreme Court shall make such determination as it finds just and proper and may:"

And further amend page 4, lines 4 and 5 by striking "in the United states" as they appear after the word "him'' and before the word "with"

And further amend page 4, line 7 by striking the words "a recommendation to the Supreme Court by" and adding the words "a formal proceeding before" before the word "the"

The committee unanimously agreed that SB 26, 27, 29, 31 DO NOT PASS. The committee wanted to review SB 28 and 32 before acting upon them.

The meeting was adjourned. The next meeting was set for January 16 upon adjournment of the Senate.

r eon, Chairman

J U D I C I A R Y

Senate Committee

Date 1/15 5 Bill No. 28 Time 3:15

	Y	N
McKeon	/	
Gilfeather	/	
Boylan	/	
Hall	/	
Body	/	
Drake	/	
Harrison	/	
Moore	/	
Turnage	/	

Mary Jane Rice, Secretary — Senator McKeon, Chairman

Motion: 28 - no 1, 3, 4, 8 + line 25, 10, 13
page 3 - section 4, 2

J U D I C I A R Y

Senate Committee

Date 1/15 — 5 — Bill No. 28 — Time 4:02

	Y	N
McKeon	✓	
Gilfeather	✓	✓
Boylan	✓	
Hall	✓	
Zody	✓	
Drake	✓	
Harrison	✓	
Moore	✓	
Turnage	✓	

MJ Rice
Mary Jane Rice, Secretary

Senator McKeon, Chairman

Motion: DO Pass AS AMENDED

SENATE JUDICIARY COMMITTEE--January 22, 1973

The meeting was brought to order by Chairman, Luke McKeon. All members were present with the exception of Senator Drake. Senator McKeon introduced Senator Mathers who will replace Sen. Drake during his illness.

The first bill discussed was SB 185. Barne Regan, of the Montana Legal Services drafted the bill, and spoke to the committee explaining its purposes. Senator Turnage moved that this bill do pass; Sen. Gilfeather Seconded; and the committee unanimously voted the bill DO PASS.

Next SB 149 was discussed. Richard Naegle spoke in favor of the bill--Naegle did not represent any company but simply himself. The chairman entered two letters into the record: the first from Vernon K. Hanks of the Court of Conciliation in Great Falls, the second from Rev. James H. Provost, executive-Secretary for the Diocesan Commission on the Family of the Roman Catholic Diocese of Helena. Both letters favored the bill. Sen. Turnage moved that this bill be amended in Section 1, page 2 in line 1 by following the word and punctuation "differences," with the words "which have existed and persisted for a period of six months before the commencement of an action and" before the word "which" on line 1. Sen. Gilfeather seconded; and the committee unanimously that SB 149 BE AMENDED. Sen. Turnage moved that this bill do pass as amended; Sen. Hall seconded; and the committee unanimously voted that SB 149 DO PASS AS AMENDED.

Senate Bills 172 & 173 were also discussed. Several visitors offered testimony. The <u>proponents</u> were:

(1) Charles Smith, Real Estate Board. Mr. Smith also entered a list of amendments that he and his colleagues had drawn up for SB 173 and he urged passage of the bill as amended.
(2) Jean Anderson, League of Women Voters, urged the bill be passed without amendments.
(3) Jerome Meunford, Montana Association of Real Estate Boards supported SB 172 as is, and 173 with amendments; however, he said his association would oppose passage of 173 without amendments.
(4) George Lackman, Real Estate Board, supported 173 as amended.
(5) Don Jones, representing land developers, supported both bills.
(6) Raleigh R. Smith, Farm and Land Broker, supported the bills.
(7) Tom Mather, President of Mont. Assn. of Real Estate, supported the bills.

<u>Opposing</u> the bills were:

(1) Dan Wilkes, Great Falls Land Development, suggested that this bill be studied further and cautionary measures be taken when passing it.

Attachments

(2) Jim Durkin, Realtor from Great Falls.
(3) Myrdo Wilson, Accredited Farm and Lan Brokers Assoc. in Great Falls

The chairman appointed a subcommittee to review this bill. Senator Turnage was appointed as chairman and Sen. Boylan and Hall were put on his committee.

The subcommittee on SB 5, consisting of Senators Gilfeather and Harrison proposed some amendments for SB 5. They were:

SB 5 On page 1 Line 16 insert the following words after the word and punctuation "litigation." and before the word "In": "The condemnor, shall within thirty (30) days after an appeal is perfected from the commissioner's award or report, submit to condemnee a written final offer of judgment for the property to be condemned, together with necessary expenses of condemnee then accrued.

If at any time prior to ten (10) days before trial, the condemnee serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon judgment shall be entered. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissable at the trial except in a proceeding to determine costs. The fact than an offer is made but not accepted does not preclude a subsequent offer.

In the event of trial, if the condemnee receives an award of ninety percent (90%) or more of the final offer of the condemnor, the court shall award necessary expenses of trial including a reasonable attorney's fee, to the condemnee. If the condemnee does not receive ninety percent (90%) or more of the final offer then the judgment shall provide that each party pay their own costs.

And further amend by deleting the words "In the" on line 16 and by deleting lines 17, 18, 19, and 20 in their entirety.

Senator Turnage moved that the amendments be adopted; Sen. Zody seconded; and the Committee unanimously voted to adopt the above amendments.

Sen. Gilfeather moved that SB 5 as amended do pass; Sen. Hall seconded; and the committee unanimously voted that SB DO PASS AS AMENDED.

SB 28 was discussed. Proposed amendments already adopted were discussed. Sen. Turnage moved the bill do pass as amended; Sen. Hall seconded the motion; the committee unanimously voted that SB 28 DO PASS AS AMENDED.

J U D I C I A R Y

Senate Committee

Date 1/22 S Bill No. 28 Time 4:10

	Y	N
McKeon	✓	
Gilfeather	✓	
Boylan	✓	
Hall	✓	
Zody	✓	
Drake	✓	
Harrison	✓	
Moore	✓	
Turnage	✓	

M. J. Rice
Mary Jane Rice, Secretary

Senator McKeon, Chairman

Motion: do pass as amended

SENATE BILL NO. 28

INTRODUCED BY LYNCH, MOORE

93-209, 93-220, 93-309

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE AND SUPREME COURT JUSTICE TO COMPLY WITH ARTICLE VII, SECTION 8 OF THE 1972 MONTANA CONSTITUTION; REPEALING SECTIONS 93-209, 93-220, 93-309, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is created a judicial nomination commission composed of ~~nine--(9)~~ SEVEN (7) members as follows:

(1) Three (3) district court judges from different judicial districts appointed by the supreme court;

(2) Two (2) attorneys from different congressional districts appointed by the ~~Montana-bar-association~~ SUPREME COURT WHO HAVE PRACTICED LAW IN THIS STATE FOR AT LEAST TEN YEARS;

~~(3) The-attorney-general-of-the-state-of-Montana;~~

~~(4)~~ (3) ~~Three-(3)~~ TWO (2) citizens, who are neither judges nor attorneys, active or retired, ~~two-(2)-of-whom~~ WHO

SECOND READING

must be from different congressional districts, appointed by the governor. ~~and confirmed by the senate as follows:~~

~~(a) one (1) citizen shall represent the agricultural interest of the state and be a resident taxpayer whose primary occupation is farming or the livestock business;~~

~~(b) one (1) citizen shall represent labor and must be a resident of the state and a member in good standing of a labor union;~~

~~(c) one (1) citizen shall represent business and shall be a resident taxpayer actually engaged in business in the state of Montana;~~

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SENATE; APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL THE END OF THE LEGISLATIVE SESSION.

Section 2. (1) The original appointments made under this act are as follows:

(a) The supreme court shall select two (2) district court judges to serve four (4) year terms and one (1) to serve a two (2) year term.

(b) ~~The Montana bar association~~ THE SUPREME COURT shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The governor shall appoint ~~two (2)~~ ONE (1) citizens to serve A two (2) year terms and one (1) to serve a four (4) year term.

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~~(c) one (1) citizen shall represent business and shall be a resident taxpayer actually engaged in business in the state of Montana;~~

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(b) ~~The Montana bar association~~ THE SUPREME COURT shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The governor shall appoint ~~two (2)~~ ONE (1) citizens to serve A two (2) year terms and one (1) to serve a four (4) year term.

(2) Thereafter, all terms shall be for four (4) years.

~~(3) Appointments made by the governor when the senate is not in session are effective until the end of the next session. If the appointment is not confirmed, the governor shall appoint another member.~~

Section 3. The commission shall appoint one (1) of its members to serve as the secretary of the commission who shall keep a ITS records ~~of all votes upon the name of any person considered for submission to the governor. The record shall be a public record and maintained in the office of the clerk of the supreme court.~~

Section 4. ~~Five (5)~~ FOUR (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least ~~five (5)~~ FOUR (4) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons.

Section 6. The commission shall meet ~~within thirty (30) days~~ FORTHWITH after a vacancy occurs on the supreme court or district court and submit to the governor within ~~forty-five (45)~~ FIFTEEN (15) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. The governor may refuse to nominate any candidates from the first list and request the commission to prepare one (1) additional list. After notification, the commission has five (5) days, exclusive of Saturdays, Sundays, and legal holidays, to compose a second list, that may not contain any names from the first list. If there are not sufficient qualified ~~applicants~~ NOMINEES to compose a second list ACCEPTABLE TO THE GOVERNOR, then the governor must nominate a candidate from ~~the first list~~ THOSE NAMES AVAILABLE FOR A SECOND LIST OR FROM THE FIRST LIST.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the first list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the

commission or for one (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

-End-

And further amend on page 2, Section 2, by striking the words "warden of Montana state prison" and adding the words "Board of Institutions of the State of Montana" after the word "The" on line 1;

And further amend on page 2, Section 2, line 1, by striking the word "shall" and adding the word "may" after the word "prison";

And further amend on page 2, Section 2, line 4, by deleting the "period (.)" after the word "institution" and adding the words "in the circumstances herein set forth.";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 149, respectfully report as follows: That Senate Bill No. 149 be amended as follows:

On page 2, Section 1, line 1, by adding the words "which have existed and persisted for a period of six month before the commencement of an action and" after the word and punctuation "differences,";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 5, respectfully report as follows: That Senate Bill No. 5 be amended as follows:

On page 1, line 16, by striking the words "In the" and by striking lines 17, 18, 19, and 20 in their entirety;

And further amend on page 1, line 16, after the word and punctuation "litigation." by adding the following words and paragraphs: "The condemnor, shall within thirty (30) days after an appeal is perfected from the commissioner's award or report, submit to condemnee a written final offer of judgment for the property to be condemned, together with necessary expenses of condemnee then accrued.

If at any time prior to ten (10) days before trial, the condemnee serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon judgment shall be entered. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissable at the trial except in a proceeding to determine costs. The fact that an offer is made but not accepted does not preclude a subsequent offer.

In the event of trial, if the condemnee receives an award of ninety percent (90%) or more of the final offer of the condemnor, the court shall award necessary expenses of trial including a reasonable attorney's fee, to the condemnee. If the condemnee does not receive ninety percent (90%) or more of the final offer then the judgment shall provide that each party pay their own costs.";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Fish and Game, having had under consideration Senate Joint Resolution No. 13, respectfully report as follows: That Senate Joint Resolution No. 13 be amended as follows:

Amend page 2, line 7, following the word "the" and preceding the word "session" by striking the numeral "1974" and inserting in lieu thereof the numeral "1975";

And as so amended, do pass.

KEENAN, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 185, respectfully report as follows: That Senate Bill No. 185 do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Finance and Claims, having had under consideration Senate Bill No. 197, respectfully report as follows: That Senate Bill No. 197 do pass.

GROFF, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 28, respectfully report as follows: That Senate Bill No. 28 be amended as follows:

On page 1, line 15, by striking the word and number "nine (9)" and adding the word and number "seven (7)" after the word "of" and before the word "members";

And further amend on page 1, line 19, by striking the words "Montana Bar Association;" and adding the words "Supreme Court who have practiced law in this state for at least ten years;" after the word "the" on line 19;

And further amend on page 1, Section 1, by striking Subsection (3), and by renumbering Subsection (4) and making it Subsection (3);

And further amend on page 1, line 21, by striking the word and number "three (3)" and adding the word and number "two (2)" before the word "citizens";

And further amend on page 1, line 22, by striking the words and number "two (2) of whom" and adding the word "who" as it appears after the word "retired," and before the word "must";

And further amend on page 1, line 23, by adding the punctuation mark "period (.)" after the word "Governor";

And further amend on page 1 by striking in their entirety lines 24 and 25;

And further amend on page 2, lines 1, 2, 3, 4, 5, 6, 7, and 8 by striking them in their entirety;

And further amend on page 1 by adding a new Subsection (4) which reads: "(4) All appointments shall be confirmed by the Senate; appointments made when the Senate is not in session are effective until the end of the legislative session.";

And further amend on page 2, Section 2, line 14, by striking the words "The Montana Bar Association" and adding the words "The Supreme Court" before the word "shall" in line 14;

And further amend on page 2, line 17, by striking the words "two (2)" and adding the word and number "one (1)" after the word "appoint" and before the word "citizens" and by striking the "s" in "citizens" so that it will read "citizen";

And further amend on page 2, line 18, by adding the word "a" after the word "serve" and before the word "two" and by striking the letter "s" in the word "terms" to make it read "term";

And further amend on page 2, lines 22, 23, 24, and 25, by striking them in their entirety;

And further amend on page 3, line 3, by striking the word "a" and adding the word "its" after the word "keep" and before the word "record" and by adding "s" to the word "record" so that it reads "records" and by adding a punctuation mark "period (.)" after the word records, and deleting the remainder of Section 3 after the word "record";

And further amend on page 3, line 7, by striking the word and number "five (5)" and adding the word and number "four (4)" before the word "members";

And further amend on page 3, line 10, by striking the word and number "five (5)" and adding the word and number "four (4)" after the word "least" and before the word "members";

And further amend on page 3, lines 14 and 15, by striking the words "within thirty (30) days" and adding the word "forthwith" after the word "meet" and before the word "after";

And further amend on page 3, lines 16 and 17, by striking the word and number "forty-five (45)" and adding the word and number "fifteen (15)" after the word "within" and before the word "days";

And further amend on page 3, line 25, by striking the word "applicants" and adding the word "nominees" after the word "qualified" and before the word "to";

And further amend on page 4, line 1, by adding the words "acceptable to the governor" after the word "list" and before the punctuation mark "comma (,)";

And further amend on page 4, lines 1 and 2, by striking the words "the first list" and adding the words "those names available for a second list or from the first list" as they appear after the word "from";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 32, respectfully report as follows: That Senate Bill No. 32 be amended as follows:

On page 1, lines 16 and 17, by striking the words "the executive board of the Montana Bar Association" and adding the words "the Supreme Court" after the word "by" and before the word "and";

And further amend on page 1, lines 20 and 21, by striking the words "and confirmed by the Senate" and by adding punctuation "period (.)" after the word "governor";

And further amend on page 1, line 21, following Subsection 3 by adding a new Subsection 4 to read: "(4) All appointments shall be confirmed by the Senate; appointments made when the Senate is not in session are effective until the end of the next legislative session.";

And further amend on page 2, Section 5, line 17, by adding the words "upon good cause shown," after the word "may" and before the word "initiate";

And further amend on page 2, Section 5, line 19, by adding the word "verified" after the word "a" and before the word "written";

And further amend on page 2, line 21, by adding the words "and upon the finding of good cause" after the word "necessary" and before the word "may";

And further amend on page 3, line 4, by striking the words "good cause" and adding the words "the charges true" after the word "finds" and before ", it";

And further amend page 3, lines 14 and 15, by striking the words "in its discretion may permit the introduction of additional evidence." as they appear after the word "and" and by adding the words "shall make such determination as it finds just and proper and may:" after the word "and";

And further amend page 3, Section 7, lines 16 and 17, by striking "(2) the Supreme Court shall make such determination as it finds just and proper and may:";

And further amend page 4, lines 4 and 5, by striking "in the United States" as they appear after the word "him" and before the word "with";

And further amend page 4, line 7, by striking the words "a recommendation to the Supreme Court by" and adding the words "a formal proceeding before" before the word "the";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 92, respectfully report as follows: That Senate Bill No. 92 be amended as follows:

Amend the title on line 10, following the word "of" by deleting the words and numerals "nine cents ($.09)" and inserting in lieu thereof the words and numerals "twelve cents ($.12)";

Amend page 2, line 2, after the word "of" by deleting the words and numerals "Nine cents ($.09)" and inserting in lieu thereof the words and numerals "Twelve cents ($.12)";

And as so amended, do pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Natural Resources, having had under consideration House Bill No. 41, respectfully report as follows: That House Bill No. 41 be concurred in.

McGOWAN, Chairman

Report adopted.

At the request of the President, and without objection, the following committees were granted seven additional legislative days to consider the following bills:

RULES: Senate Bill No. 18

AGRICULTURE: Senate Bill No. 37

PUBLIC HEALTH, WELFARE AND SAFETY: Senate Bill No. 53

NATURAL RESOURCES: Senate Bill No. 145

EDUCATION: Senate Bill No. 158 and House Bill No. 20

FINANCE AND CLAIMS: Senate Bill No. 153

JUDICIARY: Senate Bill No. 156

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS: Senate Bill No. 162 and House Bill No. 4

LOCAL GOVERNMENT: Senate Bills Nos. 151, 154, 155, 157, 159, 160 and House Bills Nos. 23 and 25

into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Rosell in the Chair. Committee arose.

Senate resumed. President Pro Tempore Thiessen presiding.

The Committee of the Whole submitted the following report:

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 5 do pass. Opposed by James.

That Senate Bill No. 9 be amended in the title, page 1, lines 4 and 5 of the original bill by deleting the following numerals and punctuation: "4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506,";

And further amend the title in line 6 by deleting the following numerals and punctuation: "41-1135, 41-1136,";

And further amend the title in line 9 by deleting the following numerals and punctuation: "94-35-106, 94-35-106.2";

And further amend the title in lines 15 and 16 by deleting the following numerals and punctuation: "4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506,";

And further amend the title in line 17 by deleting the following numerals and punctuation: "41-1135, 41-1136,";

And further amend the title in line 19 following the numerals and punctuation "94-2721," by inserting the word "and";

And further amend the title in line 20 by deleting the following numerals and punctuation: "94-35-106, and 94-35-106.2,";

And further amend Section 1, page 2, line 6, by deleting the word "male" after "any" and before "citizen";

And further amend by deleting Section 2 in its entirety;

And further amend by deleting Section 3 in its entirety;

And further amend by deleting Section 4 in its entirety;

And further amend by deleting Section 5 in its entirety;

And further amend by deleting Section 6 in its entirety;

And further amend by deleting Section 7 in its entirety;

And further amend by deleting Section 8 in its entirety;

And further amend by deleting Section 9 in its entirety;

And further amend Section 10 on page 10, line 20, by striking "Section 10" and inserting in lieu thereof "Section 2";

And further amend by deleting Section 11 in its entirety;

And further amend Section 12 on page 12, line 8 by striking "Section 12" and inserting in lieu thereof "Section 3";

And further amend Section 13 on page 12, line 22 by striking "Section 13" and inserting in lieu thereof "Section 4";

And further amend Section 14 on page 18, line 5, by striking "Section 14" and inserting in lieu thereof "Section 5";

And further amend Section 15 on page 20, line 12, by striking "Section 15" and inserting in lieu thereof "Section 6";

And further amend Section 16 on page 21, line 8, by striking "Section 16" and inserting in lieu thereof "Section 7";

And further amend by deleting Section 17 in its entirety;

And further amend by deleting Section 18 in its entirety;

And further amend Section 19 on page 22, line 17, by striking "Section 19" and inserting in lieu thereof "Section 8";

And further amend Section 20 on page 24, line 9, by striking "Section 20" and inserting in lieu thereof "Section 9";

And further amend Section 21 through Section 35, inclusive, by renumbering said Sections to be "Sections 10 through 24", inclusive.

And further amend by deleting Section 36 in its entirety;

And further amend by deleting Section 37 in its entirety;

And as amended, do pass. Opposed by Bennett, Boylan, Darrow, Deschamps, Gilfeather, Harrison, Himsl, Devine, Lynch, McDonald, Rosell, Shea, Siderius, Sorenson, Vainio, Zody.

That Senate Bill No. 28 do pass. Unanimously passed.

That Senate Bill No. 59 be amended on page 2, Section 1, line 18, by striking the figure "309" and inserting in liue thereof the figure "399", and as amended, do pass. Unanimously passed.

That Senate Bill No. 106 do pass. Opposed by Aber, Bennett, Broeder, Carl, Darrow, Goodheart, Harrison, McNamer, Northey, Story, Thiessen, Turnage, Vainio, Zody.

That Senate Bill No. 150 do pass. Opposed by Vainio, Devine, Boylan, McGowan, McKeon, Mathers, Turnage, Himsl, Harrison.

That consideration of Senate Bill No. 158 be passed. Unanimously passed.

That Senate Bill No. 194 do pass. Unanimously passed.

That Senate Bill No. 195 do pass. Unanimously passed.

That Senate Bill No. 203 do pass. Opposed by Aber.

That Senate Bill No. 292 do pass. Unanimously passed.

That consideration of Senate Bill No. 304 be passed. Unanimously passed.

That Senate Bill No. 309 do pass. Unanimously passed.

That House Bill No. 4 be concurred in. Uanimously concurred in.

That House Bill No. 12 be concurred in. Opposed by Thiessen, McNamer, McCallum, Aber.

That House Bill No. 14 be concurred in. Unanimously concurred in.

That House Bill No. 31 be concurred in. Unanimously concurred in.

That House Bill No. 32 be concurred in. Unanimously concurred in.

That House Bill No. 33 be concurred in. Unanimously concurred in.

89-2936, R.C.M. 1947; and providing an effective date." Referred to Committee on Natural Resources.

Senate Bill No. 445, introduced by Darrow, Bertsche, Bennett, Gilfeather, Cochrane, McKeon, Moritz, McGowan, Bollinger: A bill for an act entitled: "An act to amend Sections 89-3503 through 89-3506 and 89-3908, R.C.M. 1947, providing for a change in the definition of a fifty (50) year flood frequency to a flood of one hundred (100) year frequency; providing for immediate enforcement of a designated floodway when an emergency exists; and providing for authority in the Department of Natural Resources and Conservation to enter into agreements with private consultants for acquiring flood data." Referred to Committee on Natural Resources.

Senate Bill No. 446, introduced by Bertsche: A bill for an act entitled: "An act granting public employers and public employees the right to bargain collectively; providing that the Board of Personnel Appeals may designate labor organizations to be exclusive representative of employees in certain units; and may also call elections by employees for the same purpose; providing the Board of Personnel Appeals shall establish remedies for unfair labor practices; and providing procedures for carrying out the act." Referred to Committee on Labor and Employment Relations.

Senate Bill No. 447, introduced by McCallum, Turnage, Lynch, McDonald: A bill for an act entitled: "An act requiring the insurer to accept or deny a claim within ten (10) days of its filing; payment of weekly compensation until claimant returns to work; termination of compensation only upon notice and division approval; and payment of costs and penalty in case of establishment of a denied claim." Referred to Committee on Labor and Employment Relations.

Senate Joint Resolution No. 39, introduced by Darrow, Bertsche, Bennett, Bollinger, McGowan, McKeon, McCallum, Moritz, Cochrane: A Joint Resolution of the Senate and the House of Representatives of the State of Montana affirming the Governor's appointment of a coal task force and requesting that the coal task force continue to investigate and report on the impact of coal development and coordinate coal-related research proposals. Referred to Committee on Natural Resources.

Senate Joint Resolution No. 40, introduced by Bollinger, Bennett: A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting the director of the Department of Business Regulation to create an unfair practices advisory council to advise the department regarding enforcement of the Unfair Practices Act. Referred to Committee on Business and Industry.

INTRODUCTION OF HOUSE BILLS

The following House Bills were introduced, posted and referred:

House Bill No. 192, introduced by Brand, Castles: A bill for an act entitled: "An act to provide a tax exemption on real property belonging to disabled veterans and their spouses; amending Sections 84-202 and 84-301, R.C.M. 1947." Referred to Committee on Taxation.

House Bill No. 257, introduced by Yardley:; A bill for an act entitled: "An act providing for recall of county commissioners." Referred to Committee on Local Government.

At the request of the President, and without objection, the Senate moved to Order of Business No. 9.

THIRD READING OF BILLS

Senate Bill No. 28, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: McKeon. Total 1.

Excused: Drake. Total 1.

Senate Bill No. 70, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Manning, Mathers, McCallum, McDonald, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 45.

Noes: Gilfeather, Lynch, McGowan, McKeon. Total 4.

Absent and not voting: None.

Excused: Drake. Total 1.

Senate Bill No. 71, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Manning, Mathers, McCallum, McDonald, McGowan, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 43.

Noes: Boylan, Flynn, Gilfeather, Goodheart, Lynch, McKeon. Total 6.

Absent and not voting: None.

Excused: Drake. Total 1.

Senate Bill No. 160, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Devine, DeWolfe, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Thiessen, Turnage, Vainio, Zody. Total 46.

Noes: Deschamps, Flynn. Total 2.

Absent and not voting: Story. Total 1.

Excused: Drake. Total 1.

Senate Bill No. 184, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, Jensen, Keenan,

SENATE BILL NO. 28

INTRODUCED BY LYNCH, MOORE

93-209, 93-220, 93-309

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE AND SUPREME COURT JUSTICE TO COMPLY WITH ARTICLE VII, SECTION 8 OF THE 1972 MONTANA CONSTITUTION; REPEALING SECTIONS 93-209, 93-220, 93-309, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is created a judicial nomination commission composed of ~~nine--(9)~~ SEVEN (7) members as follows:

(1) Three (3) district court judges from different judicial districts appointed by the supreme court;

(2) Two (2) attorneys from different congressional districts appointed by the ~~Montana-bar-association~~ SUPREME COURT WHO HAVE PRACTICED LAW IN THIS STATE FOR AT LEAST TEN YEARS;

~~(3) The-attorney-general-of-the-state-of-Montana;~~

~~(4)~~ (3) ~~Three-(3)~~ TWO (2) citizens, who are neither judges nor attorneys, active or retired, ~~two-(2)-of-whom~~ WHO

THIRD READING

must be from different congressional districts, appointed by the governor. ~~and confirmed by the senate as follows:~~

~~(a) one (1) citizen shall represent the agricultural interest of the state and be a resident taxpayer whose primary occupation is farming or the livestock business;~~

~~(b) one (1) citizen shall represent labor and must be a resident of the state and a member in good standing of a labor union;~~

~~(c) one (1) citizen shall represent business and shall be a resident taxpayer actually engaged in business in the state of Montana.~~

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SENATE; APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL THE END OF THE LEGISLATIVE SESSION.

Section 2. (1) The original appointments made under this act are as follows:

(a) The supreme court shall select two (2) district court judges to serve four (4) year terms and one (1) to serve a two (2) year term.

(b) ~~The Montana bar association~~ THE SUPREME COURT shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The governor shall appoint ~~two (2)~~ ONE (1) citizens to serve A two (2) year terms and one (1) to serve a four (4) year term.

(2) Thereafter, all terms shall be for four (4) years.

~~(3) Appointments--made--by--the--governor--when--the senate--is-not-in-session-are-effective-until-the-end-of-the next-session.--If-the--appointment--is--not--confirmed,--the governor-shall-appoint-another-member.~~

Section 3. The commission shall appoint one (1) of its members to serve as the secretary of the commission who shall keep a ITS records ~~of-all-votes-upon-the-name--of--any person--considered--for--submission--to--the--governor.--The record-shall-be-a-public-record-and-maintained-in-the-office of-the-clerk-of-the-supreme-court.~~

Section 4. ~~Five--(5)~~ FOUR (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least ~~five-(5)~~ FOUR (4) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons.

Section 6. The commission shall meet ~~within--thirty (30)--days~~ FORTHWITH after a vacancy occurs on the supreme court or district court and submit to the governor within ~~forty-five--(45)~~ FIFTEEN (15) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. The governor may refuse to nominate any candidates from the first list and request the commission to prepare one (1) additional list. After notification, the commission has five (5) days, exclusive of Saturdays, Sundays, and legal holidays, to compose a second list, that may not contain any names from the first list. If there are not sufficient qualified ~~applicants~~ NOMINEES to compose a second list ACCEPTABLE TO THE GOVERNOR, then the governor must nominate a candidate from ~~the first list~~ THOSE NAMES AVAILABLE FOR A SECOND LIST OR FROM THE FIRST LIST.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the first list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the

commission or for one (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

-End-

JUDICIARY

Room 436 Daily, 9 a.m.

Chairman- John C. Hall- D

Vice Chairman- Dan Yardley- D

William R. Baeth- D

Max S. Baucus- D

John F. Bell- R

Robert J. Brown- R

Michael T. Greely- D

James P. Lucas- R

Gary R. Marbut- R

Pat McKittrick- D

Joe R. Roberts- D

Thomas E. Towe- D

Bill Warfield- R

JUDICIARY

Room 436 Daily, 9 a.m.

Chairman- John C. Hall- D

Vice Chairman- Dan Yardley- D

William R. Baeth- D

Max S. Baucus- D

John F. Bell- R

Robert J. Brown- R

Michael T. Greely- D

James P. Lucas- R

Gary R. Marbut- R

Pat McKittrick- D

Joe R. Roberts- D

Thomas E. Towe- D

Bill Warfield- R

ROLL CALL

HOUSE JUDICIARY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	1/29	1/30	2	2/1	2/2	2/3	2/5	2/6	2/7	2/8 adj.	2/9	2/12	2/13	2/14 am
HALL, John C., Chrm. (D) #13 Cascade	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
YARDLEY, Dan, V.Chrm. #46 (D) #11 Park	X	X	X	X	X	X	X	X	X	X	X	E	X	✓	✓	✓
BAETH, William R. #36 (D) #23 Lincoln	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
BAUCUS, Max S. #84 (D) #18 Missoula	X	X	E	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
BELL, John F. #87 (R) #12 Lewis & Clark	X	X	X	X	X	X	X	E	X	X	X	X	X	✓	✓	✓
BROWN, Robert J. #66 (R) #16 Flathead	X	X	E	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
FREELY, Michael T. #71 (D) #13 Cascade	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
LUCAS, James P. #57 (R) #2 Custer	X	X	X	E	E	X	X	X	X	X	X	X	X	✓	✓	✓
MARBUT, Gary R. #2 (R) #18 Missoula	X	X	X	X	X	X	X	X	E	X	X	X	E	E	E	E
McKITTRICK, Pat (D) #13 Cascade	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
ROBERTS, Joe R. (D) #23 Lincoln	X	X	E	E	X	E	X	X	X	X	X	X	X	✓	✓	✓
TOWE, Thomas E. (D) #8 Yellowstone	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	✓	✓
WARFIELD, Bill (R) #11 Park	X	E	X	E	X	X	X	X	E	X	X	E	X	✓	✓	✓

ROLL CALL

JUDICIARY COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	2/14 9:30 am	2/14 1:00 pm	2/15	2/16	2/19	2/19 7:30 pm	2/20	2/21	2/22	2/23	2/26 9:00 am	2/26 1:30 pm	2/27	2/28	3/1	3/5 9:00 am
ALL, John C., Chrm.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	E	✓	✓	✓	✓
ARDLEY, DAN, V.Chrm.	✓	✓	✓	✓	✓	✓	9:25 E	✓	✓	✓	✓	✓	✓	✓	✓	✓
AETH, William R.	✓	✓	✓	✓	✓	✓	✓	9:20 ✓	✓	✓	✓	✓	✓	✓	✓	✓
AUCUS, Max S.	✓	✓	✓	✓	✓	✓	✓	E	E	✓	✓	✓	E	✓	Left	
ELL, John F.	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ROWN, Robert J.	✓	✓	✓	✓	✓	✓	✓	E	✓	✓	✓	✓	✓	✓	✓	✓
REELY, Michael T.	A	A	✓	✓	A	✓		✓	✓	✓	E	A	A	A	✓	✓
JCAS, James P.	✓	E	✓	✓	✓	✓	✓	9:31 ✓	✓	✓	✓	✓	✓	✓	✓	E another
MARBUT, Gary R.	✓	✓	✓	✓	✓	E	E	✓	✓	✓	✓	✓	✓	✓	E	✓
KITTRICK, Pat	✓	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
BERTS, Joe R.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WE, Thomas E.	✓	E	✓	✓	✓	✓	9:35 E	9:13 ✓	✓	✓	✓	✓	E	✓	✓	✓
RFIELD, Bill	✓	✓	E	✓	✓	✓	✓	✓	E	✓	✓	A	✓	✓	✓	✓

JUDICIARY COMMITTEE

~~42nd~~ 43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 558	Creating the state commission for human rights, to eliminate and prevent discrimination due to race, religion, etc.	2/2/73	2/9/73		2/9/73	Do Not Pass m	Killed
SB 28	Filling of vacancies in the office of district court judge and supreme court judge.	2/2/73	2/15/73		3/1/73	Be Concurred In As Amended	Governor
SB 70	First violation of possession of dangerous drugs, persons 21 yrs of age or under, etc.	2/2/73	2/15/73		2/15/73	Be Not Concurred In	Killed
SB 71	First violation of sales of dangerous drugs, persons 21 yrs. of age or under-removing, etc.	2/2/73	2/15/73		2/15/73	Be Concurred In	Signed by Governor
SB 210	Correcting certain errors and omissions-to clarify the intent of certain sections of the 1971 codification	2/2/73	2/16/73		2/16/73	Be Concurred In	Signed by Governor
HB 535	Provoding for and obtaining revenue from a state supervised lottery-all drawings regulated by, etc.	2/3/73			2/12/73	Transferred to a special committee	Gambling

February 15, 1973

JUDICIARY COMMITTEE

The thirty second meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Thursday, February 15, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present except Representative Warfield, absent, excused.

Chairman Hall announced the committee would hear Senate Bills Nos. 70, 71, 28 and 5 and that Senator Jim Moore, present, was either chief sponsor or co-sponsor on all of these. There were several proponents to Senate Bill 28 present so this bill was taken first.

SENATE BILL 28 Senator Jim Moore, District #9, co-sponsor, summarized this bill and stated several members of judicial branch of government were here to testify on this bill to implement the 1972 Constitution as well as recommend amendments. Proponents were:

1) Judge Victor H. Fall, Helena
2) District Judge Peter G. Meloy, Helena, member of committee to represent judges in Montana.
3) Judge Wesley W. Castles, representing Montana Judges Association, Helena.
4) Dean Sullivan, Dean of University of Montana Law School, Missoula.

No opponents. Following testimony from the judges which almost unanimously upholds the proposed amendments to bill and testimony by Mr. Dean Sullivan, the hearing was opened to questions from committee members. Representative Towe pointed out that House Bill 520, which is scheduled for second reading today, is legislation along same lines as Senate Bill 28. Senator Moore stated the proposals brought in by Judge Meloy for amending bill were brought in on second reading and the Senate Judiciary committee didn't have time to work with them. Following questions the hearing was closed. Bill will be acted upon in executive session at a later date.

SENATE BILLS 70 and 71 Senator Moore, chief sponsor, stated these bills in essence are the same and so will take them together. Bills relate to legislation on sale and possession of drugs and that the only effective part is extending to judges the power of sentence at the discretion rather than limiting them which is not done with any other crime. Senator Moore stated three county attorneys appeared in support of bills when in the senate judiciary committee but he had not done his homework and failed to notify them of hearing on this today. Senator Moore also stated there was one opponent who appeared but not until after the hearing in the Senate Judiciary Committee and he was a young fellow. No other proponents and no opponents. Following questions from the committee the hearing was closed.

Judge Meloy SB 28
2/15/73

February 9, 1973

Hon. John Hall
Chairman, Judiciary Committee
House of Representatives
Helena, Montana

Dear Mr. Hall:

Please be advised that the Supreme Court and the District Judges urge your committee to incorporate the attached proposed amendments into Senate Bills 28 and 32, which bills deal with the judicial selection and judicial standards.

The changes desired in the Senate Bills are as follows:

In Bill 28 instead of the Supreme Court appointing the three District Judges, the District Judges choose the three District Judge members through an elective procedure conducted by the Supreme Court.

In Bill 32 the same change as above is proposed except in Bill 32 there are two District Judges rather than three.

The Supreme Court and the District Judges feel that it is very important that the proposed amendments be made.

Mr. Justice Castles and myself would like to appear before your committee in support of these proposals.

Yours truly,

Peter G. Meloy,
Chairman of Judges Committee
composed of Mr. Justice
Castles, Judge Robert Nelson
and Judge Peter G. Meloy

PGM/hb

cc to:
Hon. Wesley Castles
Hon. Robert Nelson
Hon. Dan Yardley
Hon. William Barth
Hon. Max Baucus
Hon. John Bell
Hon. Robert Brown
Hon. Michael Greely
Hon. James Lucas
Hon. Gary Marbut
Hon. Pat McKittrick
Hon. Joe Roberts
Hon. Thomas Towe
Hon. Bill Warfield
Hon. Luke McKeon
Hon. Pat Gilfeather
Hon. Paul Boylan
Hon. Glen Drake
Hon. Boots Hall
Hon. Tom Harrison
Hon. Jim Moore
Hon. Gene Turnage
Hon. A. A. Zody

congressional districts."

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SENATE. APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL CONFIRMATION IS REJECTED BY THE SENATE AND IF CONFIRMED UNTIL THE END O THE TERM OF THE APPOINTMENT.

It is further proposed that Section 2 be deleted and in lieu thereof the following inserted:

"Section 2. (1) The original appointments made under this act shall have the following terms:

(a) The Supreme Court shall designate by certificate of the Chief Justice two (2) of the district judges to serve four (4) year terms and one (1) to serve a two (2) year term.

(b) The Supreme Court shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The Governor shall designate one (1) citizen to serve a four (4) year term and one (1) citizen to serve a two (2) year term.

(2) Thereafter all terms shall be for four (4) years."

University of Montana
Missoula, Montana 59801
(406) 243-0211

February 16, 1973

Ms. Patricia Bauernfeind, Secretary
Judiciary Committee
Room 436
State Capitol Building
Helena, Montana 59601

Dear Ms. Bauernfeind:

At your request I am enclosing a Xerox copy of the letter I sent to members of the House Judiciary Committee with suggested amendments to Senate Bills 28 and 32.

I am also enclosing a Xerox copy of Senate Bill 28 with the suggested amendments I presented to the committee on the composition of the Nominating Commission. You will recall that I suggested the 7-person commission should be changed to consist of one district judge, two lawyers, and four lay people, the district judge and lawyers to be appointed by the Supreme Court and the lay people to be appointed by the governor.

I hope this completes your files.

Sincerely yours,

Robert E. Sullivan, Dean
School of Law

RES:cl

Enclosure

February 7, 1973

The Honorable John C. Hall
Chairman, Judiciary Committee
House of Representatives
State Capital
Helena, Montana 59601

RE: Senate Bill 28 and Senate Bill 32 - bills to implement the judicial article of the new Montana constitution

Dear Representative Hall:

I am writing as a director of the American Judicature Society from Montana and as the Dean of the Law School and as a lawyer who has worked closely with the Montana Citizens Conference for Court Improvement to suggest some changes in Senate Bill 28 and Senate Bill 32 which seek to implement the new judicial article of the Montana constitution. Because these bills will set the pattern for the selection of many judges in the future and provide a basis for removal of judges who are not qualified, it is my opinion that this is some of the most important legislation to be considered by the 1973 legislative assembly. These remarks are not addressed to the composition of the Nominating or Disqualification Commission.

My recommendations take into account the bills as they pass the Senate and are now before your committee. My recommendations are based upon extensive research and experience in merit selection and retention of judges and in the removal of judges for cause. I have had the opportunity to examine the constitutional and statutory provisions of most of the states on these two matters and it is with this background that I am writing to you. Some of my suggestions may be regarded as housekeeping matters but they are things that should be specified in the statute rather than left to the uncertainties of the inherent power of the Commission and a possible disinclination on the part of the members of the Commission to act unless there is a clear statement of authorization.

Let me comment first on Senate Bill No. 28. There should be added to Section 2 a new subsection (3) to read somewhat as follows: "In the event a vacancy occurs on a commission, the appointing authority of the vacated seat shall designate a successor." This is a provision similar to that found in subsection (2) of Section 3 of Senate Bill No. 32 relating to the Judicial Standards Commission. In Section 5 the language should be changed from authorization to compulsion, i.e., "The commission and each member shall make investigations concerning the qualifications of eligible persons." If the Commission is to do its job well the members must be required to make investigations and all state agencies should be obliged by law to assist

and cooperate with the Commission in carrying out this function. Section 7 authorizing the governor to require a second list if the nominees on the first list are not acceptable to him should be deleted. In its place there should be substituted language similar to the following: "Section 7. The governor must nominate a candidate from those names submitted by the Commission." Experience in other states shows that the confidence of the public is weakened where the nomination process requires the submission of a second list. There is no way this provision can work satisfactorily without destroying the basic purpose of the plan. The integrity of the Commission should be assured by the initial appointment and there should be no inference taken that a rejection by the governor is because the name of a person preferred by the governor is not on the first list. In Section 9 provision should be made to insure that the Senate will take action on the nomination. Lawyers who are extremely well qualified and who would otherwise be attracted to accept an appointment under this statute and under the new Montana constitution might be disinclined to consider seriously the appointment as a judge if there is some question about Senate confirmation because of "senatorial courtesy". To remove this feature from the statute the last line could be changed to read somewhat as follows: "Failure of the Senate to act upon the nomination is effective as a confirmation of the nomination." To provide for internal consistency the following section, Section 10, must contain a cross-reference to Section 9 somewhat as follows: "A nominee confirmed by this Senate, as provided in Section 9, serves until the next succeeding general election." Section 11 should be modified by extending the term from one year to five years during which time a member of the Commission is ineligible to be appointed as a judge. This, again, is necessary to establish public confidence in this new selection system. There should be inserted a new Section 13 recognizing the rule making power of the Commission and the necessity to preserve confidentiality of its proceedings. The language could be somewhat as follows: "Section 13. The Commission shall make rules for the conduct of its affairs and to provide for the confidentiality of its proceedings."

Let me turn now to Senate Bill No. 32 dealing with the Judicial Standards Commission. Although it is implicit in the creation of the Commission that the Commission may initiate proceedings on its own, it is advisable to have this spelled out specifically in order that the Commissioners will not feel any inhibition from initiating actions on its own behalf. This could be accomplished by adding a sentence to subsection (1) of Section 5 somewhat as follows: "The Commission may initiate an investigation on its own behalf." The problem of rule making and preserving the confidentiality of its proceedings should also be spelled out specifically. This could be done by adding a subsection (3) to Section 6 somewhat as follows: "The Commission shall make rules for the conduct of its affairs and to provide for the confidentiality of all papers and proceedings before it." When the recommendation is made to the Supreme Court for action, the matter becomes public from that point on. This type of provision is necessary to protect the Commission and also to remove any question on the part of the press as to the confidentiality of the proceedings before the Commission. It is also necessary, of course, to protect judges who may be charged but whom investigation shows have been charged without cause.

I am writing to you rather than asking permission to appear personally because I will be out of the city from February 7 through February 12 attending the mid-year meeting of the American Judicature Society and the American Bar Association. These matters are of such great import that I must call them to your attention in the expectation that they will be considered before final action is taken by the House on these two bills. I have no pride of authorship in the language that I have suggested. I have not drawn it carefully but have merely used language to call to your attention the serious problems that are involved.

I urge you and each member of the Judiciary Committee of the House to carefully review these two bills and to make the changes that are necessary to provide patterns that will insure an outstanding Montana judiciary and an improvement in judicial administration for the benefit of every Montanan.

Sincerely yours,

Robert E. Sullivan, Dean
School of Law

RES:cl

cc: Dan Yardley
James P. Lucas
William R. Baeth
Max Baucus
John F. Bell
Robert J. Brown
Michael T. Greely
Gary R. Marbut
Pat McKittrick
Joe R. Roberts
Thomas E. Towe
Bill Warfield

bcc:
Missoula delegates to House not on Jud. Comm.
Ainsworth, A. L.
Haines, Tom
Kimble, Gary
Norman, Bill
Turman, George
Watt, Robert

Lawyers in House, not on Jud. Comm., not from Missoula

Swanberg, Gorham

Executive Committee, Montana Bar Assoc'n.

Eugene H. Mahoney
Henry Loble
William H. Bellingham
Diana S. Dowling
Douglas Drysdale
Marvin J. Smith
John T. Prothero
Merritt N. Warden
Dexter L. Delaney
Seldon S. Frisbee
James W. Johnson

George Schotte
Mrs. M. Y. Foster
Ken Davis
Claude Erickson
Stanley Lowe
Senator Peter R. Story

Catherine Pemberton

Chief Justice James T. Harrison

SENATE BILL NO. 28

INTRODUCED BY LYNCH, MOORE

93-209, 93-220, 93-309

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE AND SUPREME COURT JUSTICE TO COMPLY WITH ARTICLE VII, SECTION 8 OF THE 1972 MONTANA CONSTITUTION; REPEALING SECTIONS 93-209, 93-220, 93-309, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is created a judicial nomination commission composed of ~~nine--(9)~~ SEVEN (7) members as follows:

(1) ~~Three (3)~~ One (1) district court judge~~s from different judicial districts~~ appointed by the supreme court;

(2) Two (2) attorneys from different congressional districts appointed by the ~~Montana bar association~~ SUPREME COURT WHO HAVE PRACTICED LAW IN THIS STATE FOR AT LEAST TEN YEARS;

~~(3) The attorney general of the state of Montana;~~

~~(4)~~ (3) ~~Three (3)~~ TWO (2) Four (4) citizens, who are neither judges nor attorneys, active or retired, ~~two (2) of whom~~ WHO Two of whom

THIRD READING

and different political party

must be from different congressional districts, appointed by the governor. ~~and confirmed by the senate as follows:~~

~~(a) one (1) citizen shall represent the agricultural interest of the state and be a resident taxpayer whose primary occupation is farming or the livestock business;~~

~~(b) one (1) citizen shall represent labor and must be a resident of the state and a member in good standing of a labor union;~~

~~(c) one (1) citizen shall represent business and shall be a resident taxpayer actually engaged in business in the state of Montana.~~

(4) ALL APPOINTMENTS SHALL BE CONFIRMED BY THE SENATE; APPOINTMENTS MADE WHEN THE SENATE IS NOT IN SESSION ARE EFFECTIVE UNTIL THE END OF THE LEGISLATIVE SESSION.

Section 2. (1) The original appointments made under this act are as follows:

(a) The supreme court shall select ~~two (2)~~ the district court judges to serve four (4) year terms ~~and one (1) to serve a two (2) year term.~~

(b) ~~The Montana bar association~~ THE SUPREME COURT shall select one (1) attorney to serve a four (4) year term and one (1) to serve a two (2) year term.

(c) The governor shall appoint ~~two (2)~~ ONE (1) citizens to serve two (2) year terms and ~~one (1)~~ two (2) to serve four (4) year terms.

(2) Thereafter, all terms shall be for four (4) years.

~~(3) Appointments made by the governor when the senate is not in session are effective until the end of the next session. If the appointment is not confirmed, the governor shall appoint another member.~~

(3) In the event a vacancy occurs on the commission, the appointing authority of the vacated v

Section 3. The commission shall appoint one (1) of its members to serve as the secretary of the commission who shall keep a ITS records ~~of all votes upon the name of any person considered for submission to the governor. The record shall be a public record and maintained in the office of the clerk of the supreme court.~~

Section 4. ~~Five (5)~~ FOUR (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least ~~five (5)~~ FOUR (4) members.

Section 5. The commission and each member ~~is authorized to~~ shall make investigations concerning the qualifications of eligible persons.

Section 6. The commission shall meet ~~within thirty (30) days~~ FORTHWITH after a vacancy occurs on the supreme court or district court and submit to the governor within ~~forty-five (45)~~ FIFTEEN (15) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. ~~The governor may refuse to nominate any candidates from the first list and request the commission to prepare one (1) additional list. After notification, the commission has five (5) days, exclusive of Saturdays, Sundays, and legal holidays, to compose a second list, that may not contain any names from the first list. If there are not sufficient qualified applicants~~ NOMINEES to compose a ~~second list~~ ACCEPTABLE TO THE GOVERNOR, ~~then~~ The governor must nominate a candidate from ~~the first list~~ THOSE NAMES Submitted by the commission AVAILABLE FOR A SECOND LIST OR FROM THE FIRST LIST.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the ~~first~~ list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. A failure of the senate to act upon the nomination is ~~not confirmed, the office shall be vacant and another selection and nomination shall be made.~~ effective as a confirmation as provided in Section

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the

Five (5)

commission or for ~~one~~ (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

-End-

Section 13. The Commission shall make Rules for the Conduct of its REF 2125 and to provide for the Confidentiality of its proceedings.

February 26, 1973

JUDICIARY COMMITTEE

EXECUTIVE SESSION

The fortieth meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Monday, February 26, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present.

Senate Bills 340, 341, 356 and 23 had been assigned by Chairman Hall to a subcommittee with Representative Baeth as chairman and Representatives Baucus and Towe as committee members. The subcommittee reported back to committee at beginning of meeting.

SENATE BILL 356 Representative Baeth moved to amend on page 1, line 13 after the word "peace" by inserting the material "which shall be collected from fines and forfeitures received by justices of the peace", and AS AMENDED BE CONCURRED IN. Representative Lucas seconded. Motion carried unanimously.

SENATE BILL 341 Representative Baeth moved to amend on page 1, line 11 by deleting "25-312" and inserting in lieu thereof "25-311", further amend on page 1, line 12 by deleting "25-312" and inserting in lieu thereof "25-311", and further amend on page 1, line 16 by deleting "25-311" and inserting in lieu thereof "25-304" and AS AMENDED BE CONCURRED IN. Representative Towe seconded. Motion carried unanimously.

SENATE BILL 340 Representative Baeth moved BE NOT CONCURRED IN. Representative Towe seconded. Motion carried unanimously.

SENATE BILL 23 Representative Baeth moved to amend on page 3, line 17 after the word and punctuation "predecessor." by inserting the new material "The county commissioners shall establish such other justice courts in the county as they deem necessary.", and further amend on page 3, section 4, lines 18, 19 and 20 by deleting all of the material "(2) A justice of the peace shall be nominated and elected on the non-partisan judicial ballot in the same manner as are judges of the district court.", and further amend on page 3, line 25 and continued over to page 4, lines 1 through 3 by deleting after the word and punctuation "elected." the material "A candidate may not file for more than one (1) office. Section 23-4511 prohibiting political party endorsement for judicial officers shall also apply to justices of the peace.". Representative Towe seconded the motions to amend.

Motion to accept the three amendments proposed by Representative Baeth carried unanimously.

Representative Towe moved to amend on page 5, line 18 by deleting the new material "county" and the deleted word "territory" be reinserted. Following discussion he withdrew this motion.

Chairman Hall stated he intends to fight this bill on the floor as it is now. Without objection will pass consideration of Senate Bill 23 until tomorrow and have the amendments proposed today typed up and passed out for tomorrow. Feels this is an inexcusable bill at this time.

SENATE BILL 337 Representative Lucas moved BE CONCURRED IN. Representative Greely seconded. Motion carried unanimously.

SENATE BILL 112 Representative Greely stated this bill is identical to House Bill 238 sponsored by Representative Colberg and questioned why the Senate doesn't accept Representative Colberg's bill as they took his language. Representative Brown moved to amend bill on page 1 by reinserting all material deleted by the Senate, delete the new terminology in title, and delete new terminology on pages 4 and 5 to restore bill to original form. Representative Towe seconded. Representative Brown stated under power of eminent domain other minerals in Montana, not just Eastern Montana, where mineral and surface rights are held by two different parties. If limit bill to coal wonder if taking care of problem of all people of state. Motion to amend carried with Representatives Yardley, Bell, Greely, Lucas and Warfield voting no, Representative Marbut absent. Representative Brown moved AS AMENDED BE CONCURRED IN. Motion carried with Representatives Bell, Warfield, Lucas and Yardley voting no.

SENATE BILL 28 Representative Towe moved BE NOT CONCURRED IN. Representative Greely seconded. Representative Roberts made a substitute motion to delete section 1 and section 2 in their entirety and amendments present and prepared be adopted in lieu thereof (see exhibit). Stated he has tried to incorporate good features of House Bill 520 into Senate Bill 28. Representative Roberts stated that the provision for one single statewide commission is the feature he likes about SB 28. Chairman Hall deferred action until tomorrow as time had run out for committee meeting.

Chairman Hall stated that the committee would take for consideration on following day Senate Bills 23, 28 and 103 and also House Bill 217 would be brought in again as he was informed by governor's office that funding is a problem on this bill. Steve Brown from the

governor's office rewrote substitute bill. Will ask leave to consider bill under order of business #6.

The meeting adjourned at 10:25 a.m.

JCH:pb

JOHN C. HALL, CHAIRMAN

February 27, 1973

JUDICIARY COMMITTEE

The forty second meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Tuesday, February 27, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present except Representatives Baucus and Towe, absent, excused and Representative Greely, absent.

Chairman Hall opened the meeting stating the committee should take up House Bill 217 before going to the justice of the peace bill.

HOUSE BILL 217 Steve Brown from the governor's office, an attorney, presented each committee member with a copy of a new substitute bill which he had prepared and stated many problems with the previous substitute bill were grammatical and that the Public Health Department had no expertise with drafting bills. State of Montana trying to enforce its own permit system in enforcing water pollution control act. Large sum of federal money involved here. It is crucial to get amended bill passed, our permit system does not now meet federal standards and will have to use federal standards if do not get our own bill. Mr. Brown went through the new substitute bill and explained the provisions. The hearing was then opened to questions from the committee members to Mr. Brown. Considerable questioning followed.

Representative Lucas moved to amend on page 8, line 17 of the new substitute bill (see exhibit) after the word "records" by inserting the new material "required under this act". Representative Yardley seconded. Motion carried unanimously. Representative Lucas moved to amend on page 10, line 14, subsection (2) by deleting the language "or negligently". Representative Bell seconded. Representative Lucas explained that to use "negligently" now is a far, far step and doesn't want to go that far now. Motion to amend carried with Representatives Roberts, McKittrick and Baeth voting no.

Representative Lucas moved to amend on page 11, lines 17 through 24 by striking section 7 in its entirety. Representative Bell seconded. The Chair corrected the amendment to include on page 10, line 24 by deleting parenthesis around (4) and also take out the hyphen. Motion failed with Representatives McKittrick and Warfield absent on this vote, Representatives Lucas, Bell and Brown voted yes.

Representative Lucas moved to amend on page 11, line 24 by deleting the material ", whether or not accidental". Representative Bell seconded. Motion carried with Representative Roberts voting no.

Chairman Hall proposed the following language for above amended material on page 3, line 17 after the word "predecessor": "In counties of the first class the county commissioner may if they deem that the work load of the justice of the peace so warrants establish additional justice courts in the county. Such additional justices of the peace shall have the same qualifications, shall be elected in the same manner and have the same terms as the original justice of the peace in the county." Then go on by adding amendment "Provided, however, that the county commissioners may abolish any such court upon the end of the term of the justice holding such office and all unfinished business shall be transferred to another justice court in that county." Chairman Hall stated that, without objection, would then add language on page 2 directly after amendment just read. No objection so will treat that as having been adopted to amend the bill as set forth.

Representative Lucas moved AS AMENDED BE CONCURRED IN. Representative Towe seconded. Motion carried unanimously. Representative Roberts will carry.

SENATE BILL 28 Copies of amendments prepared by Representative Roberts were given to each committee member. Representative Roberts stated he feels House Bill 520 has very superior features and only a couple things he salvaged from Senate Bill 28. Changes essentially are lifted right out of House Bill 520. Representative Lucas stated he likes the idea of statewide commission and dislikes governor appointing commissioners. Discuss today entire commission being appointed by governor. Following much discussion Chairman Hall stated that consideration of bill would be continued on following day as time has run out.

Chairman Hall stated he would like to start considering in Executive Session Senate Bill 109. Feels committee should pass this during this session. Feels only way to find holes in this bill is to live with it.

The meeting adjourned at 10:35 a.m.

JCH:Pb

JOHN C. HALL, CHAIRMAN

February 28, 1973

JUDICIARY COMMITTEE

The forty third meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Wednesday, February 28, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided for the first twenty five minutes of the meeting at which time he had to be excused and Representative Dan V. Yardley, vice-chairman, presided as chairman. All members were present except Representative Greely, absent.

SENATE BILL 28 This bill pertaining to the filling of vacancies in the office of district court judge and supreme court judge was previously heard on February 15, 1973. Representative Roberts summarized his proposed amendments and explained briefly to committee what he has done which pertained primarily to adapting this senate bill to the very similar House Bill 520. Considerable discussion followed. Representative Lucas moved that Senate Bill 28 be amended in portion pertaining to judiciary commission in that two attorneys from different congressional districts appointed by Montana Bar, one member appointed by judicial system, four members appointed by the governor. Representative Bell seconded motion. Representative Towe stated he could go along with the idea of judges and attorneys electing their own group but bothers him if set up to be elected by Montana Bar Association. Forty percent of lawyers do not belong to Montana Bar Association. Discussion followed regarding length of terms and whether they should be staggered.

Representative Towe made a substitute motion that concept be the same as Representative Lucas' proposed amendment with regard to one district judge and two lawyers nominated to Bar Association with elections from the general bar under supervision of the Supreme Court and lay epople selected by the governor. Representative Towe's motion carried unanimously.

Motion to have two attorneys from different geographic areas selected by Montana Bar Association and one district judge elected for four years selected by District Judges Association carried with Representatives Baeth and Marbut voting no and Representative Towe abstaining.

Representative Lucas moved be amended further in accordance with remaining amendments proposed by Representative Roberts. (see attached exhibit of proposed amendments). Substitute motion made to amend on page 4, line 12 after the words "of the" by deleting the word "first". Motion carried unanimously. Representative Towe made substitute motion BE NOT CONCURRED IN. Representative Towe stated he still believes regular commissions make more sense. At local level under HB 520 people have more say so. Wants it continued as Forrest Anderson had it set up. Much better local participation. Would move to table bill to see if senate will act on HB 520. Will withdraw motion until discussion. Following discussion motion to table this bill failed with Representative Towe voting yes.

Committee reverted to Representative Marbut's motion that Senate Bill 28 BE CONCURRED IN AS AMENDED. Motion carried with Representative Towe voting no.

SENATE BILL 103 Representative Yardley, acting chairman, summarized this bill on Montana comprehensive state insurance plan and tort claims act. Representative Lucas moved bill BE CONCURRED IN, stating he feels its a well thought out bill, implements the constitution and that explanation by senate members during hearing well done. Representative Bell seconded. Motion carried unanimously.

All business being concluded the meeting adjourned at 10:20 a.m.

DVY:pb

Dan Yardley

DAN V. YARDLEY, VICE-CHAIRMAN

Proposed amendment to Senate Bill 28

Be amended on page 1, line 14, section 1, by deleting the entire section 1 of the Senate Third Reading bill and inserting in lieu thereof a new section 1 to read as follows:

" Section 1. There is created a judicial nomination commission for the state of Montana, whose function it shall be to provide the governor with a list of candidates for nominee to fill any vacancy on the supreme court or any district court of the state of Montana. (1) The commission shall be composed of seven (7) members as follows:

(a) four (4) lay members, who are neither judges or attorneys, active or retired, and who shall reside in different geographical areas of the state; each of these four (4) members shall be a representative of a different industry, business or profession, whether or not actively so engaged or retired; such members shall be appointed by the governor;

(b) three (3) attorneys actively engaged in the practice of law in the state, each of whom shall reside and practice in a different geographical area of the state; such members shall be appointed by the governor." and

further amend Senate Bill 28, page 2, line 15, section 2, by deleting the entire section 2 of the Senate Third Reading bill and inserting in lieu thereof a new section 2 to read as follows:

"Section 2. (1) The original appointments made under this act are as follows:

(a) The governor shall select two (2) lay members to serve four (4) year terms and two (2) lay members to serve two (2) year terms.

(b) The governor shall select two (2) attorneys to serve four (4) year terms and one (1) attorney to serve a two (2) year term.

(2) Thereafter, all terms shall be for four (4) years.

(3) In the event a vacancy on the commission occurs, the governor shall appoint a replacement for the remainder of the term.

(4) Appointments provided for in this section shall be made within 30 days of the completion of the preceding terms, or within 30 days of the occurence of any vacancy. "

Be amended on page 3, line 7, by deleting section 3 in its entirety and inserting in lieu thereof the following:

"Section 3. The commission shall elect one (1) of its members to serve as the secretary, and upon such election shall notify the governor of the name and mailing address of such person; the secretary shall keep a record of all proceedings by the commission, and act as corresponding secretary with the governor's office. " and

(Section 4. shall stay the same as presented on page 3, line 13, of the Senate Third Reading bill - noting new amendments - it reads as follows:

"Section 4. ~~Five-(5)~~ FOUR (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least ~~five-(5)~~ FOUR (4) members.")

further amend on page 3, line 17, by deleting section 5 in its entirety and inserting in lieu thereof the following:

"Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons, and any lawyer in good standing who has the qualifications set forth by law for holding judicial office, may be a candidate, and may make application to the commission for consideration, or application may be made by any person on his behalf." and

further amend page 3, line 23, being section 6 of the Senate Third Reading bill by deleting the new amendment which reads : "~~FIFTEEN-(15)~~" and inserting in lieu thereof "*THIRTY (30)*

and

further amend page 4, line 1, by deleting section 7 in its entirety and inserting in lieu thereof the following:

"Section 7. The governor must make an appointment from those names submitted by the commission." and

further amend page 5, line 6, by inserting a new section 13 to read as follows:

"Section 13. The commission shall make values for the conduct of its affairs and to provide for the confidentiality of its proceedings." and

further amend page 5, line 6, by deleting after the word "Section" the number "~~13~~" and inserting in lieu the number "14".

March 1, 1973

JUDICIARY COMMITTEE

The forty fourth meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Thursday, March 1, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present except Representative Marbut, absent, excused and Representative McKittrick, absent, excused.

SENATE BILL 28 Amendments to bill as voted in by committee in executive session on Wednesday, February 28, 1973 were prepared in the form of a substitute bill and a copy provided to each committee member. Representative Lucas moved BE CONCURRED IN AS AMENDED. Representative Roberts seconded. Representative Lucas stated he felt the amendments were well prepared and was very satisfied with the substitute bill. The motion BE CONCURRED IN AS AMENDED carried with Representative Towe voting no.

SENATE BILL 109 Hearings were conducted on this new criminal code proposal on Monday, February 19, 1973 and again on Monday, February 26, 1973 with questions from the committee to proponents during the latter hearing. Chairman Hall inquired as to how the committee wished to proceed with this bill and stated his own feeling is that the bill should be acted on during this session. Chairman Hall stated he felt the criminal code commission had rather thoroughly worked on this bill and also that there will be areas in bill that need amending but that many won't be discovered until we live with this bill. Representative Lucas concurred with Representative Hall's opinion as did Representatives Towe and Bell also. Representative Greely stated he concurred with Representative Hall's opinion but will propose some amendments. Chairman Hall stated the committee will meet to act on this bill with due caution, circumspection and speed.

SENATE BILLS 80, 81 and 331 Chairman Hall inquired as to the pleasure of the committee regarding these no-fault insurance bills. Chairman Hall stated that Senator Luke McKeon, chairman, senate judiciary committee, expressed the opinion that it was the feeling of his committee that they wanted to defer action on these bills and the feeling was that they should take all the no-fault insurance bills and jointly work on them. Senate bills came over without any amendments. Representative Lucas moved that any senate bills on no-fault under consideration be postponed until 1974 session with work done jointly during the interim. Representative Yardley seconded. Discussion followed which pertained primarily to whether there were any understandings with the senate judiciary committee and whether to have joint judiciary committee meetings now on the no-fault bills. Representative Towe made a substitute motion to get together with the Senate Judiciary before passing the no-fault bills out of committee. Representative Brown seconded. Representative Yardley pointed out that the committee should attempt to follow the legislative time schedule and action on the no-fault bills now would make it almost impossible to follow the time schedule. Representative Towe's motion to have joint committee

HOUSE COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 28.

Be amended by striking all the material after the enacting clause and inserting in lieu thereof the following substitute bill:

Section 1. There is created a judicial nomination commission for the state of Montana, whose function it shall be to provide the governor with a list of candidates for nominee to fill any vacancy on the supreme court or any district court of the state of Montana. The commission shall be composed of seven (7) members as follows:

(a) four (4) lay members, who are neither judges or attorneys, active or retired, and who shall reside in different geographical areas of the state; each of these four (4) members shall be representative of a different industry, business or profession, whether or not actively so engaged or retired; such members shall be appointed by the governor;

(b) two (2) attorneys, actively engaged in the practice of law, one (1) from each congressional district, who shall be nominated under procedures adopted by the Montana Bar Association and elected by the attorneys residing in the congressional district in which the nominee resides.

(c) one (1) district judge selected by the District Judges Association.

Section 2. All original members named to the commission shall all serve until January 1, 1976. Their successors shall serve as follows: (a) the members appointed by the governor shall serve for four (4) year terms.

(b) the attorneys elected shall serve a two (2) year term.

(c) the judge elected shall serve a two (2) year term.

(2) Thereafter all members shall serve terms of four (4) years.

(3) In the event a vacancy on the commission occurs, the governor shall appoint a replacement for the remainder of the term, provided such replacement shall be a member of the same group as the member he replaces.

(4) Appointments provided for in this section shall be made within thirty (30) days of the completion of the preceeding terms, or within thirty (30) days of the occurrence of any vacancy.

Section 3. The commission shall elect one (1) of its members to serve as the secretary, and upon such election shall notify the governor of the name and mailing address of such person; the secretary shall keep a record of all proceedings by the commission, and act as corresponding secretary with the governor's office.

Section 4. Four (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least four (4) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons, and any lawyer in good standing who has the qualifications set forth by law for holding judicial office, may be a candidate, and may make application to the commission for consideration, or application may be made by any person on his behalf.

Section 6. The commission shall meet forthwith after a vacancy occurs on the supreme court or district court and submit to the governor within thirty (30) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. The governor must make an appointment from those names submitted by the commission.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the commission or for one (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. The commission shall make rules for the conduct of its affairs and to provide for the confidentiality of its proceedings.

Section 14. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

END

HOUSE COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 28.

Be amended by striking all the material after the enacting clause and inserting in lieu thereof the following substitute bill:

Section 1. There is created a judicial nomination commission for the state of Montana, whose function it shall be to provide the governor with a list of candidates for nominee to fill any vacancy on the supreme court or any district court of the state of Montana. The commission shall be composed of seven (7) members as follows:

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(b) two (2) attorneys, actively engaged in the practice of law, one (1) from each congressional district, who shall be nominated under procedures adopted by the Montana Bar Association and elected by the attorneys residing in the congressional district in which the nominee resides.

(c) one (1) district judge selected by the District Judges Association.

Section 2. All original members named to the commission shall all serve until January 1, 1976. Their successors shall serve as follows: (a) the members appointed by the governor shall serve for four (4) year terms.

(b) the attorneys elected shall serve a two (2) year term.

(c) the judge elected shall serve a two (2) year term.

(2) Thereafter all members shall serve terms of four (4) years.

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(4) Appointments provided for in this section shall be made within thirty (30) days of the completion of the preceeding terms, or within thirty (30) days of the occurrence of any vacancy.

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Section 4. Four (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least four (4) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons, and any lawyer in good standing who has the qualifications set forth by law for holding judicial office, may be a candidate, and may make application to the commission for consideration, or application may be made by any person on his behalf.

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Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses incurred while actually engaged in the discharge of their official duties.

Section 13. The commission shall make rules for the conduct of its affairs and to provide for the confidentiality of its proceedings.

Section 14. Sections 93-209, 93-220, 93-309, R.C.M. 1947, are repealed.

END

ONTANA SENATE

REGULAR SESSION

ROLL CALL

1973 LEGISLATURE

VOTE #1

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger		(D)
Boylan		(D)
Breeden		(R)
Broeder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake		(R)
Flynn		(D)
Gilfeather		(D)
Goodheart		(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)
Lynch		(D)
Manning	✓	(D)
Mathers		(R)
McCallum		(R)
McDonald		(D)
McGowan		(D)
McKeon		(D)
McNamer		(D)
McOmber		(D)
Moore		(R)
Moritz		(R)
Nees		(D)
Norlhey		(R)
Rosell		(R)
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody		(D)
Mr. President		

SB 28 3rd rdg

Ayes 48 Nos 0 Exc 1 Abs 1

48 TOTALS 0

SEN BILL NUMBER 28

DATE 1

YEAS 100-200		N-V 100-200		NAYS 100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

HOUSE SENATE		BILL RESO.	
1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
Int	500	50	5
Conc.	600	60	6
Emer	700	70	7
3rd P	800	80	8
Que.	900	90	9
MOT	000	00	0

DATE	
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

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1p

~~REGULAR~~ SESSION

MONTANA SENATE

ROLL CALL

1973 LEGISLATURE

VOTE #2

YEAS	N-V	NAYS
Aber		(D)
Bennett		(R)
Bertsche		(D)
Bollinger		(D)
Boylan		(D)
Breeden		(R)
Broeder		(R)
Carl		(R)
Cochrane		(R)
Darrow		(R)
Deschamps		(R)
Devine		(D)
DeWolf		(D)
Drake	NV	(R)

YEAS	N-V	NAYS
Flynn		(D)
Gilfeather		(D)
Goodheart	NV	(D)
Graham		(D)
Groff		(D)
Hall		(D)
Harrison		(R)
Hazelbaker		(R)
Himsl		(R)
James		(D)
Jensen		(D)
Keenan		(D)
Klindt		(R)
Lowe		(R)

YEAS	N-V	NAYS
Lynch		(D)
Manning	NV	(D)
Mathers		(R)
McCallum		(R)
McDonough		(D)
McGowan		(D)
McKeon		(D)
McNamer		(D)
McOmber		(D)
Moore		(D)
Moritz		(D)
Nees		(R)
Northey		(R)
Rosell		(R)

YEAS	N-V	NAYS
Shea		(D)
Siderius		(D)
Sorensen		(D)
Story		(R)
Thiessen		(D)
Turnage		(R)
Vainio		(D)
Zody	NV	(D)

Mr. President

Mar. 10 - Comm. of Whole rejects House amend. Conf. Comm. appt'd.

CC NASB 28 3rd rdg

Ayes 44 Nos 0 Abs 2 Ex 4

44 TOTALS 0 Conf. Comm Rpt HA to SENATE BILL NUMBER 28

YEAS		N-V		NAYS		HOUSE / SENATE	BILL / RESO.		DATE
100	200	100	200	100	200				1
0	0	0	0	0	0	1000	10	1	Jan. 2
1	1	1	1	1	1	2000	20	2	Feb. 3
2	2	2	2	2	2	3000	30	3	Mar. 1
3	3	3	3	3	3	4000	40	4	Apr. 2
4	4	4	4	4	4	Jnt.	50	5	May 3
5	5	5	5	5	5	Conc	60	6	June 4
6	6	6	6	6	6	Emer.	70	7	July 5
7	7	7	7	7	7	3rd R	80	8	Aug. 6
8	8	8	8	8	8	Que.	90	9	Sept. 7
9	9	9	9	9	9	MOT	00	0	Oct. 8
									Nov. 9
									Dec. 0

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SB 28 amend 2nd 3-5-13
26-45
4 ayf
25 abs

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

636573

SB628A _____ CALL _____ MOTION

25	AYE	45	NAY	31	ABSENT

NAY	Aageson, Dave	ABS	Hager, Tom	NAY	Marks, Robert L. (Bob)
ABS	Ainsworth, A. L. (Bud)	ABS	Haines, Tom	NAY	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	NAY	Hall, John C.	ABS	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	NAY	Mercer, Wallace W. (Wally)
ABS	Bardanouve, Francis	NAY	Harper, Hal	NAY	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	NAY	Nichols, Norris
NAY	Baucus, Max S.	AYE	Healy, John E. (Jack)	ABS	Norman, Bill
NAY	Bell, John F.	NAY	Hodges, William C.	NAY	Olson, S. A.
NAY	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	ABS	Prevost, Robert C.
NAY	Bradley, Dorothy M.	NAY	Holtz, Malcolm E.	AYE	Quilici, Joe
AYE	Brand, Joe	NAY	Hubing, Lee	NAY	Regan, Ann K. "Pat"
NAY	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	NAY	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	NAY	Rolfe, Tom
NAY	Campbell, William C.	NAY	Johnston, George R.	NAY	Schepens, Henry J.
NAY	Castles, Ruth B.	NAY	Jones, Tom L.	NAY	Schye, Elmer
NAY	Clemow, Tom	NAY	Kendall, Orin P.	NAY	Seifert, Carl A.
AYE	Colberg, Richard A.	ABS	Kessner, Jack E.	ABS	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
REC'd	Cox, Henry S. "Hank"	NAY	Kolstad, Allen C.	ABS	Smith, Carl M.
AYE	Driscoll, John B.	ABS	Kosena, Albert E. (Al)	REC'd	Staigmiller, John B.
ABS	East, Vic	ABS	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
ABS	Edland, Wallace B.	ABS	Laas, Walter	NAY	Stoltz, Gail
ABS	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	NAY	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	ABS	Lien, Orphey "Bud"	AYE	Tierney, John F.
ABS	Fasbender, Larry	ABS	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
ABS	Fleming, James F., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
ABS	Flynn, James W.	NAY	Lucas, James P.	NAY	Turner, Clyde A.
NAY	Forsgren, Wallace O.	ABS	Lund, Art	NAY	Ulmer, Walter J.
NAY	Galt, Jack E.	NAY	Lundgren, Conrad F.	NAY	Walborn, John E.
NAY	Gerke, Harold E.	AYE	Lynch, John "J.D."	NAY	Warfield, Bill
AYE	Glennen, Robert E.	ABS	McKittrick, Pat	AYE	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	NAY	Yardley, Dan
AYE	Gunderson, Jack	AYE	Marbut, Gary R.	ABS	Zimmer, William (Bill)
NAY	Hageman, Alvin			ABS	Mr. Speaker

SB 28A 2nd 3-5-13

26 AYE 1 ayf 25 abs

SB 28
76-1
4-ayes
19 abs

2nd

3-5-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

838573

SB628 _____ CALL _____ MOTION

75	AYE	81	NAY	25	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	ABS	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	Aye	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
ABS	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	AYE	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
Aye	Brand, Joe	ABS	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
ABS	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	AYE	Schepens, Henry J.
AYE	Castles, Ruth B.	AYE	Jones, Tom L.	AYE	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	Aye	Kimble, Gary	AYE	Shelden, Arthur H.
Aye	Cox, Henry S. "Hank"	ABS	Kolstad, Allen C.	ABS	Smith, Carl M.
AYE	Driscoll, John B.	ABS	Kosena, Albert E. (Al)	Aye	Staigmiller, John B.
ABS	East, Vic	ABS	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
ABS	Edland, Wallace B.	ABS	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	ABS	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
ABS	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James E., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
AYE	Gerke, Harold E.	ABS	Lynch, John "J.D."	ABS	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	ABS	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	ABS	Marbut, Gary R.	ABS	Zimmer, William (Bill)
ABS	Hageman, Alvin			ABS	Mr. Speaker

SB 28

2nd
3-5-73

76 AYE
4 NAY
19 Abs

SB 28
91-2
2 ref
5 abs

3rd

3-7-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

030773

SB628 _____ CALL _____ MOTION

91	AYE	02	NAY	09	ABSENT
AYE	Aageson, Dave	NAY	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, R. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	ABS	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	AYE	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred D.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	ABS	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	AYE	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
ABS	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	AYE	Huennekens, Herb	AYE	Roberts, Joe R.
NAY	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	AYE	Schepens, Henry J.
AYE	Castles, Ruth B.	AYE	Jones, Tom L.	AYE	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	ABS	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	ABS	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	AYE	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	NAY	Lockrem, Lloyd C., Jr.	AYE	Towe, Thomas E.
AYE	Fleming, James F., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
ABS	Gerke, Harold E.	AYE	Lynch, John "J.D."	AYE	Warfield, Bill
AYE	Glennen, Robert E.	AYE	McKittrick, Pat	AYE	Watt, Robert D.
AYE	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	AYE	Marbut, Gary R.	AYE	Zimmer, William (Bill)
AYE	Hageman, Alvin			AYE	Mr. Speaker

SB 28
91 AYE
2 NAY
5 ABS

3rd 3-7-73
2 ref
5 abs

air.

Noes: Aageson, Ainsworth, Asbjornson, Barrett, Bell, Burnett, Campbell, Castles, Clemow, East, Ellerd, Galt, Glennen, Haines, Holtz, Hubing, Jones, Kessner, Kolstad, Lockrem, Lundgren, Manuel, Mercer, Rolfe, Schye, Selstad, Smith, Walborn. Total 28.

Excused: Seifert. Total 1.

Paired: Holmes, aye; Lockrem, no.

Absent or not voting: Bardanouve, Bennetts, Forsgren, Marks, Zimmer. Total 5.

Fasbender moved that the House recess until 1:00 p.m.

Motion carried.

House recessed.

House resumed. Mr. Speaker in the Chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

Motion carried.

Manuel in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Amendments to House Bill No. 78 be not concurred in (61-1).

That Senate Amendments to House Bill No. 84 be concurred in (73-0).

That Senate Amendments to House Bill No. 126 be concurred in (67-0).

That Senate Amendments to House Bill No. 296 be concurred in (68-1).

That Senate Amendments to House Bill No. 368 be not concurred in (42-33).

That Senate Amendments to House Bill No. 142 be not concurred in (70-1).

That Senate Bill No. 214 be amended in section 1, subsection d, page 2, line 4 of the Senate Third Reading Bill and not in Introduced Bill by deleting the word ["After"] and inserting in lieu thereof the word "Without", (38-21)

(Material in brackets denotes cancelled type.)

And as amended, be passed to the bottom of the board.

That Senate Bill No. 233 be placed below Senate Bill No. 235.

That Senate Bill No. 235 be concurred in (77-0).

That Senate Bill No. 233 be concurred in (74-18).

That Senate Bill No. 304 be concurred in (79-0).

That Senate Bill No. 338 be concurred in (70-0).

That Senate Bill No. 362 be concurred in (73-1).

That Senate Bill No. 365 be concurred in (76-0).

That Senate Bill No. 369 be concurred in (72-5).

That Senate Bill No. 370 be concurred in (71-1).

That Senate Bill No. 380 be concurred in (68-3).

That Senate Bill No. 383 be concurred in (87-5).

That Senate Bill No. 435 be concurred in (67-1).

That Senate Bill No. 28 be passed for the day.

That Senate Bill No. 127 be concurred in (72-0).

That Senate Bill No. 128 be concurred in (71-0).

That Senate Bill No. 129 be concurred in (57-40).

That Senate Bill No. 133 be concurred in (74-10).

That Senate Bill No. 159 be concurred in (64-20).

That Senate Bill No. 237 be concurred in (84-1).

That Senate Bill No. 309 be concurred in (81-4).

That House Bill No. 437 do not pass (59-38).

That Senate Bill No. 445 be concurred in (64-31).

That the Committee rise and report.

MANUEL, Chairman

Report adopted.

REPORTS OF STANDING COMMITTEES

March 1, 1973

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly printed: House Resolutions Nos. 22 and 23, and House Bill No. 517.

QUILICI, Chairman

REPORTS OF SELECT COMMITTEES

March 1, 1973

Senate Bill 389

JOINT CONFERENCE COMMITTEE REPORT

Mr. President and Speaker of the House:

We, your Joint Senate and House Conference Committee on Senate Bill No. 389, beg leave to report as follows:

That we met this day and considered House Committee on Constitution Elections and Federal Relations Amendments dated February 21, 1973, to Senate Bill No. 389, and recommend as follows:

That the House recede from the House Committee on Constitution, Elections and Federal Relations amendments dated February 21, 1973, in the title by reinserting the stricken material on lines 8 through 10, except for the word "And" as follows: "That the number of deputy registrars for each precinct shall always be equally divided between the two (2) political parties;" And in that reinserted material on line 8 of the blue Senate bill by inserting the word "Appointed" after the word "Of" and on line 9 by striking the word "[Precinct]" and inserting in lieu thereof the word "County"

That House Bill No. 582 be amended in Section 113, page 127, line 20 of the printed bill by striking the figures "[82A-204.1]" and by reinstating all stricken material in lines 20 through 25;

Further amend Section 113, page 128 of the printed bill by striking all the underlined material in lines 1 through 12 in their entirety;

Further amend Section 113 of the printed bill by reinstating the numbers stricken on lines 13 through 25 on page 128 and lines 2 through 17 on page 129 and by striking the underlined letters on lines 13 through 25 on page 128 and lines 2 through 17 on page 129;

Further amend on page 130, line 11 of the printed bill by striking the underlined words "[exercise the investment functions]";

Further amend on page 130, line 12 of the printed bill by striking the underlined words "[enumerated in 82A-204.1]" and inserting in lieu thereof the words "invest state funds";

Further amend on page 130 of the printed bill following line 14 by inserting the new material "The board shall (a) assist agencies with public money to determine if, when and how much surplus cash is available for investment; (b) determine the amount of surplus treasury cash to be invested; (c) determine the type of investment to be made, and (d) prepare the claim to pay for the investment."; (page 129, line 22, following the words and punctuation "state funds." of the original bill). (56-0)

And as amended, do pass (66-0).

(Materials in brackets denotes cancelled type.)

That House Resolution No. 17 be adopted (62-0).

That House Resolution No. 21 be adopted (68-4).

That House Resolution No. 22 be adopted (68-2).

That House Resolution No. 23 be adopted (55-11).

That Senate Bill No. 28 be concurred in (76-1).

That all bills be moved below Senate Amendments to House Bill No. 85.

That Senate Amendments to House Bill No. 85 be concurred in (69-0).

That Senate Amendments to House Bill No. 143 be concurred in (70-0).

That Senate Amendments to House Bill No. 304 be concurred in (57-9).

That Senate Amendments to House Bill No. 333 be put below Senate Amendments to House Bill No. 469.

That Senate Amendments to House Bill No. 367 not be concurred in (57-13).

That Senate Amendments to House Bill No. 469 be concurred in (65-0).

That Senate Amendments to House Bill No. 333 be concurred in (72-0).

That Senate Amendments to House Bill No. 502 be passed for the day.

That Senate Bill No. 190 be concurred in (79-2).

That Senate Bill No. 220 be not concurred in (51-44).

That Senate Bill No. 306 be passed to the bottom of the board.

That Senate Bill No. 336 be concurred in (69-11).

That Senate Bill No. 339 be amended on page 1, section 1, line 22, before the word "per" by striking the words "[ten cents (10¢)]" and inserting in lieu thereof the words "twelve cents (12¢)", and (55-27)

And be further amended on page 2, section 2, line 12, before the word "per" by striking the words "[ten cents (10¢)]" and inserting in lieu thereof the words "twelve cents (12¢)", and (56-22).

As amended, be concurred in (73-14).

(Materials in brackets denotes cancelled type.)

That all Senate Bills be moved below House Bill No. 153.

That House Bill No. 153 be amended on page 2, line 4, Section 1 of Third Reading Bill by striking the figures "[1969]" and inserting in lieu thereof the figures "1973" (81-0)

And as amended, do pass (79-1).

That House Bill No. 217 be amended in Section 3, page 16, Second Reading Bill, by showing all of the material in lines 10 through 16 as deleted material (74-0)

And as amended, do pass (72-0).

(Materials in brackets denotes cancelled type.)

That House Resolution No. 19 be adopted (58-13).

That Senate Amendments to House Bill No. 65 be not concurred in (77-0).

That the Committee rise and report.

MEHRENS, Chairman

Report adopted.

House Resolution No. 17, introduced by Marks, Castles, Campbell, Menahan, Lee, Lombardi, Bennetts, Bell, H. Harper, Healy, Quilici, Flynn, Lynch, Schepens, Baeth, Mehrens, Olson, Kvaalen, Prevost: A resolution of the House of Representatives of the State of Montana to endorse and respectfully honor the work of the foster grandparent program in the State of Montana.

House Resolution No. 19, introduced by McKittrick, Lockrem, R. Harper, Cox, Lynch, Mehrens, Johnston, Galt, Nichols, Menahan, Kolstad, Quilici, Lee, Fleming, Edland, Healy, Lombardi, Fagg, Murphy, Hageman, Baeth, Stoltz, Lucas, Kosena, Glennen, Walborn, Smith, Olson, Barrett, Asbjornson, Jones, Norman, Gerke, Staigmiller, Regan, Haines, Seifert, Kvaalen, Fasbender, Hall, Ulmer, Bell, Campbell, Clemow, Holtz, Aageson, Selstad, Burnett, Kessner, Forsgren, Jasobsen, Driscoll: A resolution of the House of Representatives of the State of Montana requesting the Congress of the United States to adopt an amendment to the United States Constitution which will reinstate the right of the states to protect the right of an unborn human being to life and offer the constitutional amendment to the states for ratification.

House Resolution No. 21, introduced by Asbjornson, Barrett, Kolstad, Aageson, Schye, Murphy, Laas: A resolution of the House of Representatives of the State of Montana requesting the Congress of the United States to provide funds for a study of Judith River.

House Resolution No. 22, introduced by Zimmer, Lundgren, Selstad, Halvorson, Brown, Jones: A resolution of the House of Representatives of the State of Montana supporting Senator Mike Mansfield's Senate Joint Resolution 25 authorizing and requesting the President to establish a "National Next Door Neighbor Day."

THIRD READING OF SENATE BILLS

The following bills having been read three several time, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 28 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Haines, Hall, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 91.

Noes: Burnett, Hager. Total 2.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Brand, Halvorson, Kessner, Norman, Smith. Total 5.

Senate Bill No. 190 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bradley, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, H. Harper, R. Harper, Healy, Hodges, Holtz, Jacobsen, Johnston, Jones, Kendall, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 88.

Noes: Holmes, Huennekens, McKittrick, Towe. Total 4.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Bennetts, Brand, Halvorson, Kessner, Nichols, Smith. Total 6.

Senate Bill No. 214 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Greely, Gunderson, Hageman, Haines, Hall, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 89.

Noes: Cox, Glennen, Hager, Mercer. Total 4.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Bardanouve, Brand, Halvorson, Kessner, Smith. Total 5.

Senate Bill No. 336 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Campbell, Castles, Clemow, Cotton, Cox, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Hager, Haines, Hall, H. Harper, R. Harper, Healy, Holtz, Huennekens, Jacobsen, Johnston, Jones, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Stephens, Stoltz, Turner, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 75.

Noes: Baeth, Burnett, Colberg, Driscoll, Greely, Gunderson, Hageman, Hodges, Holmes, Kendall, McKittrick, Staigmiller, Swanberg, Tierney, Towe, Turman, Ulmer, Walborn. Total 18.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Bardanouve, Brand, Halvorson, Kessner, Smith. Total 5.

Stnate Bill No. 339 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, H. Harper, R. Harper, Healy, Hodges, Huennekens, Johnston, Jones, Kendall, Kimble, Kolstad, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Norman, Olson, Prevost, Quilici, Regan, Roberts, Schepens, Schye, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Ulmer, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 81.

Noes: Driscoll, Holmes, Holtz, Manuel, Nichols, Rolfe, Seifert, Selstad, Turner, Walborn. Total 10.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Bardanouve, Brand, Halvorson, Jacobsen, Kessner, Kosena, Smith. Total 7.

Barrett moved that Senate Joint Resolution No. 28 be amended by deleting the first "Be It Further Resolved" in its entirety.

Motion carried by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Barrett, Baucus, Bell, Brown, Campbell, Castles, Clemow, Cox, Driscoll, East, Forsgren, Glennen, Hager, H. Harper, Healy, Holmes, Holtz, Jones, Kimble, Kosena, Kvaalen, Laas, Lee, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marks, Mehrens, Mercer, Nichols, Olson, Prevost, Quilici, Schepens, Seifert, Shelden, Smith, Swanberg, Tierney, Turman, Ulmer, Walborn, Warfield, Watt. Total 50.

Noes: Baeth, Bradley, Brand, Burnett, Colberg, Cotton, Edland, Fagg, Fasbender, Fleming, Flynn, Greely, Gunderson, Hageman, Haines, Hall, R. Harper, Hodges, Huennekens, Jacobsen, Johnston, Kendall, Kolstad, Lien, Lombardi, Marbut, Menahan, Murphy, Regan, Roberts, Rolfe, Selstad, Staigmiller, Stephens, Stoltz, Towe, Turner, Yardley, Zimmer, Mr. Speaker. Total 40.

Excused: Hubing, Lockrem. Total 2.

Absent or not voting: Bardanouve, Bennetts, Ellerd, Galt, Halvorson, Kessner, Norman, Schye. Total 8.

Speaker of the House and President of the Senate, were this day, at the hour of 8:50 a.m., delivered to the Governor for his approval.

QUILICI, Chairman

MESSAGES FROM THE SENATE

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Joint Conference Committee Report on Senate Bill No. 369, was this day adopted on Roll Call and the Committee has been dissolved.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Joint Conference Committee Report on House Bill No. 107, was this day adopted on Roll Call and the Committee has been dissolved.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 28, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Lynch, Chairman
Senator McKeon
Senator Moore.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 339, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Zody, Chairman
Senator Lowe
Senator McNamer.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 431, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Thiessen, Chairman
Senator Jensen
Senator Lowe.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 214, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Boylan, Chairman
Senator James
Senator Deschamps.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 178, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Keenan, Chairman
Senator Breeden
Senator Siderius.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 447, and on motion, duly carried, Senator Lynch requested the President be author-

ized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Shea, Chairman
Senator Bollinger
Senator Bennett.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 363, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Graham, Chairman
Senator Harrison
Senator Moritz.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 451, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Bollinger, Chairman
Senator Lynch
Senator Hazelbaker.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 208, and on motion, duly carried, Senator Lynch requested the President be authorized to appoint a Joint Conference Committee from the Senate to meet with a like Committee from the House to confer on said amendments.

The President appointed the following members:

Senator Zody, Chairman
Senator Harrison
Senator Bennett.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 519, introduced by Greely, was this day read three several times and concurred in, title and history agreed to, and the bill is herewith returned to the House.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 15 was this day on Committee of the Whole recommended that further action be indefinitely postponed, report adopted, and the bill is herewith returned to the House.

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills and House Joint Resolution were this day read three several times and concurred in, as amended, title and history agreed to, and the bills are herewith returned to the House for concurrence in Senate amendments.

House Bill No. 343, introduced by Holmes, et al

House Bill No. 169, introduced by Asbjornson, et al

House Bill No. 373, introduced by Edland, et al

House Bill No. 458, introduced by Norman, Baucus and Quilici

House Joint Resolution No. 37, introduced by Lien & Kimble.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 10, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Joint Conference Committee Report on Senate Bill No. 128 was this day adopted on roll call and the Committee was dissolved.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

MOTIONS AND RESOLUTIONS

Fasbender moved that the Speaker appoint Conference Committees to meet with like committees from the Senate on Senate Bills Nos. 28, 451, 208, 363, 447, 178, 214, 431, 339.

Motion carried.

I have examined House Bill No. 301 introduced by me and find the same to be correct.

MARBUT

I have examined House Bill No. 275 introduced by me and find the same to be correct.

FLYNN

I have examined House Bill No. 197 introduced by me and find the same to be correct.

STOLTZ

I have examined House Bill No. 49 introduced by me and find the same to be correct.

BARDANOUVE

The Speaker signed the following House Bills in open session: House Bills Nos. 571, 423, 422, 349, 313, 301, 275, 197, 49.

UNFINISHED BUSINESS

The Speaker appointed the following Conference Committees to meet with like Committees from the Senate:

House Amendments to Senate Bill No. 178: Staigmiller, chairman; Colberg, Ellerd.

House Amendments to Senate Bill No. 431: Prevost, Chairman; Hageman, Bell.

House Amendments to Senate Bill No. 447: McKittrick, chairman; Lombardi, East.

House Amendments to Senate Bill No. 339: Greely, chairman; Baucus, H. Harper.

House Amendments to Senate Bill No. 363: Laas, chairman; Lien, Lucas.

House Amendments to Senate Bill No. 214: Kendall, chairman; Norman, Cox.

House Amendments to Senate Bill No. 451: Edland, chairman; Gerke, Hubing.

House Amendments to Senate Bill No. 208: Shelden, chairman; Gunderson, Schye.

Senate Amendments to House Bill No. 357: Lee, chairman; Baeth, Aageson.

Free Conference Committee on House Bill No. 575: Bardanouve, chairman; Kosena, Nichols.

Senate Amendments to House Bill No. 15: Yardley, chairman; Swanberg, Fagg.

House Amendments to Senate Bill No. 28: Fasbender, chairman; Yardley, Lockrem.

Fasbender moved that the House adjourn until 1:30 p.m., March 13, 1973.

Motion carried.

House adjourned.

HAROLD E. GERKE, Speaker

ED SMITH, Chief Clerk

SPECIAL SESSION SECOND LEGISLATIVE DAY

House of Representatives
Helena, Montana

March 13, 1973

House convened, pursuant to adjournment at 1:30 p.m.

Mr. Speaker in the Chair.

On roll call all members were present except Cotton, Lundgren, Glennen and Mehrens, excused.

Quorum present.

Mr. Speaker: We, your Committee on Bills and Journal, having examined the daily journal for the Special Session First Legislative Day, find the same to be correct.

QUILICI, Chairman

REPORTS OF STANDING COMMITTEES

March 13, 1973

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly enrolled: House Bills Nos. 573, 23, 469, 534, 96, 471, 468, 304, 78, 112, 171, 407, 488, 375, 444, 392, 314 and 21.

FLEMING, Vice-Chairman

February 24, 1973

Mr. Speaker: We, your Committee on Taxation, having had under consideration House Bill No. 586, respectfully report as follows: That House Bill No. 586 be amended on page 1, title line 10, after the word "than" by striking the words and figure "[twenty-five cents (25¢)]" and inserting in lieu thereof the words and figure "fifteen cents (15¢)", and

Be further amended on page 1, title, line 12, after the word "than" by striking the words and figure "[ten cents (10¢)]" and inserting in lieu thereof the words and figure "four and one-half cents (4½¢)", and

Be further amended on page 2, line 3, after the word and figure "[ten cents (10¢)]" by striking the words and figure "[twenty-five cents (25¢)]" and inserting in lieu thereof the words and figure "fifteen cents (15¢)", and

Be further amended on page 2, line 5, after the figure "[(3¢)]" by striking the words and figure "[ten cents (10¢)]" and inserting in lieu thereof the words and figure "four and one-half cents (4½¢)", and

As amended, do pass.

(Material in brackets denotes cancelled type.)

WATT, Chairman

Report adopted.

February 20, 1973

Mr. Speaker: We, your Committee on Taxation, having had under consideration Senate Bill No. 455, respectfully report as follows: That Senate Bill No. 455 be concurred in.

WATT, Chairman

Report adopted.

consideration House Resolution No. 7, respectfully report as follows: That House Resolution No. 7 do not pass.

WATT, Chairman

Report was adopted by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Baucus, Bell, Bennetts, Bradley, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Fasbender, Flynn, Forsgren, Glennen, Greely, Hageman, Hager, Haines, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kolstad, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Walborn, Warfield, Watt, Yardley, Mr. Speaker. Total 82.

Noes: None.

Excused: Brand, Fleming, Marbut. Total 3.

Absent or not voting: Bardanouve, Ellerd, Fagg, Galt, Gunderson, Hall, Halvorson, Hubing, Kessner, Kimble, Kosena, Lundgren, Smith, Ulmer, Zimmer. Total 15.

March 17, 1973

Mr. Speaker: We, your Committee on Taxation, having had under consideration Senate Bill No. 72, respectfully report as follows: That Senate Bill No. 72 be concurred in.

WATT, Chairman

Report adopted.

March 19, 1973

Mr. Speaker: We, your Committee on Business and Industry, having had under consideration House Bill No. 608, respectfully report as follows: That House Bill No. 608 be held over until the Second Half of the 43rd Legislative Session in January, 1974.

MEHRENS, Chairman

Report adopted.

March 19, 1973

Mr. Speaker: We, your Committee on Business and Industry, having had under consideration House Bill No. 609, respectfully report as follows: That House Bill No. 609 be held over until the Second Half of the 43rd Legislative Session in January, 1974.

MEHRENS, Chairman

Report adopted.

REPORTS OF SELECT COMMITTEES

March 17, 1973

Senate Bill No. 28

JOINT CONFERENCE COMMITTEE REPORT

Mr. President and Speaker of the House:

We, your Joint Senate and House Conference Committee on Senate Bill No. 28, beg leave to report as follows:

That we met Friday, March 16, and considered the House amendments to Senate Bill 28. The Joint Conference Committee recommends as follows:

That the green House Substitute Bill be amended as follows:

Amend Section 1, Subsection (b), line 2, after the word "be" by deleting the rest of the Subsection in its entirety and inserting in lieu thereof the following language: "appointed by the Supreme Court.";

And further amend Section 1, Subsection (c), after the word "judge" by deleting the rest of Subsection (c) in its entirety and inserting in lieu thereof the following language: "elected by the district judges under an elective procedure initiated and conducted by the supreme court and certified to such election by the chief justice of the Supreme Court, and which for the purpose of the language of this act shall be considered as an appointment.";

And that the Senate accede to the remainder of the House amendments;

And that Senate Bill No. 28 as so amended, be concurred in.

FOR THE SENATE:	FOR THE HOUSE:
LYNCH	FASBENDER
McKEON	YARDLEY
MOORE	LOCKREM

Yardley moved for adoption of the conference committee report and that the committee be dissolved.

Report was adopted by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Baucus, Bell, Bradley, Burnett, Campbell, Castles, Clemow, Cotton, Cox, Driscoll, East, Edland, Fagg, Fasbender, Flynn, Forsgren, Galt, Glennen, Gunderson, Hageman, Hager, Halvorson, Healy, Hodges, Holtz, Jacobsen, Johnston, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lombardi, Lund, Manuel, Marks, Mehrens, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Walborn, Watt, Yardley, Zimmer, Mr. Speaker. Total 73.

Noes: Bennetts, Colberg, Greely, H. Harper, Holmes, Huennekens, Lien, McKittrick, Towe, Warfield. Total 10.

Excused: Brand, Fleming, Marbut. Total 3.

Absent or not voting: Bardanouve, Brown, Ellerd, Haines, Hall, R. Harper, Hubing, Jones, Lockrem, Lucas, Lundgren, Lynch, Menahan, Smith. Total 14.

MESSAGES FROM THE SENATE

March 17, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day failed to concur in House amendments to Senate Bill No. 254 and the President was authorized to appoint a Free Conference Committee of three to meet with a like committee from the House to confer on said amendments.

The President appointed the following members:

Senator McOmber, Chairman
Senator Keenan
Senator Carl.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

Conf. Com. Report on S.B. 28

3-19-73

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

1973 - 1974

VOTE TABULATION

_____ CALL _____ MOTION

73	AYE	10	NAY	1	ABSENT
AYE	Aageson, Dave	AYE	Hager, Tom	AYE	Marks, Robert L. (Bob)
AYE	Ainsworth, A. L. (Bud)	AYE	Haines, Tom	AYE	Mehrens, John "Sandy"
AYE	Asbjornson, J. O. "Boots"	AYE	Hall, John C.	AYE	Menahan, William "Red"
AYE	Baeth, William R. (Bill)	AYE	Halvorson, Ora J.	AYE	Mercer, Wallace W. (Wally)
AYE	Bardanouve, Francis	NAY	Harper, Hal	AYE	Murphy, John
AYE	Barrett, Fred O.	AYE	Harper, Robert J. "Bob"	AYE	Nichols, Norris
AYE	Baucus, Max S.	AYE	Healy, John E. (Jack)	AYE	Norman, Bill
AYE	Bell, John F.	AYE	Hodges, William C.	AYE	Olson, S. A.
AYE	Bennetts, Barbara K.	NAY	Holmes, Mrs. Polly	AYE	Prevost, Robert C.
AYE	Bradley, Dorothy M.	AYE	Holtz, Malcolm E.	AYE	Quilici, Joe
AYE	Brand, Joe	AYE	Hubing, Lee	AYE	Regan, Ann K. "Pat"
AYE	Brown, Robert J. (Bob)	NAY	Huennekens, Herb	AYE	Roberts, Joe R.
AYE	Burnett, James H. "Jim"	AYE	Jacobsen, Glenn	AYE	Rolfe, Tom
AYE	Campbell, William C.	AYE	Johnston, George R.	AYE	Schepens, Henry J.
AYE	Castles, Ruth B.	AYE	Jones, Tom L.	AYE	Schye, Elmer
AYE	Clemow, Tom	AYE	Kendall, Orin P.	AYE	Seifert, Carl A.
AYE	Colberg, Richard A.	AYE	Kessner, Jack E.	AYE	Selstad, Tom
AYE	Cotton, Robert S.	AYE	Kimble, Gary	AYE	Shelden, Arthur H.
AYE	Cox, Henry S. "Hank"	AYE	Kolstad, Allen C.	AYE	Smith, Carl M.
AYE	Driscoll, John B.	AYE	Kosena, Albert E. (Al)	AYE	Staigmiller, John B.
AYE	East, Vic	AYE	Kvaalen, Oscar S.	AYE	Stephens, Robert E.
AYE	Edland, Wallace B.	AYE	Laas, Walter	AYE	Stoltz, Gail
AYE	Ellerd, Robert A.	AYE	Lee, Robert E. (Bob)	AYE	Swanberg, Gorham E.
AYE	Fagg, Harrison G.	NAY	Lien, Orphey "Bud"	AYE	Tierney, John F.
AYE	Fasbender, Larry	AYE	Lockrem, Lloyd C., Jr.	NAY	Towe, Thomas E.
AYE	Fleming, James F., Jr.	AYE	Lombardi, Jerry V.	AYE	Turman, George
AYE	Flynn, James W.	AYE	Lucas, James P.	AYE	Turner, Clyde A.
AYE	Forsgren, Wallace O.	AYE	Lund, Art	AYE	Ulmer, Walter J.
AYE	Galt, Jack E	AYE	Lundgren, Conrad F.	AYE	Walborn, John E.
~~AYE~~	~~Gerke, Harold E.~~	AYE	Lynch, John "J.D."	NAY	Warfield, Bill
AYE	Glennen, Robert E.	NAY	McKittrick, Pat	AYE	Watt, Robert D.
NAY	Greely, Michael T.	AYE	Manuel, Rex	AYE	Yardley, Dan
AYE	Gunderson, Jack	AYE	Marbut, Gary R.	AYE	Zimmer, William (Bill)
AYE	Hageman, Alvin				Mr. Speaker

SB 28

Conf Comm Report

3-19-73

73 Aye
10 Nay

13 ab
1 ab

ai.

like committee from the House to confer on Senate amendments to House Bill No. 509.

The President appointed the following members:

Senator McKeon, Chairman
Senator McOmber
Senator Mathers.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Joint Conference Committee Reports were this day adopted on roll call vote and the Committees were dissolved.

Conference Committee on Senate Bill No. 129

Conference Committee on Senate Bill No. 28

Conference Committee on Senate Bill No. 208

Conference Committee on Senate Bill No. 109

Free Conference Committee on House Bill No. 334

Conference Committee on House Bill No. 131

Free Conference Committee on House Bill No. 575.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President was authorized to appoint a Conference Committee of three to meet with a like committee from the House to confer on Senate amendments to House Bill No. 55.

The President appointed the following members:

Senator Thiessen, Chairman
Senator Graham
Senator Himsl.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President was authorized to appoint a Conference Committee of three to meet with a like committee from the House to confer on Senate Amendments to House Bill No. 57.

The President appointed the following members:

Senator Bollinger, Chairman
Senator Sorensen
Senator Deschamps.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day on motion, duly carried, that the Joint Conference Committee on House Bill No. 463 be made a Free Conference Committee composed of the same members from the Senate to meet with a like Committee from the House.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 477 failed to be concurred in on third reading, the bill is herewith returned to the House.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

March 19, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 469, introduced by Carl, et al, was this day read three several times and passed, title and history agreed to, and the bill is herewith transmitted to the House for concurrence.

Respectfully,

JOHN N. HANSON
Secretary of the Senate

MOTIONS AND RESOLUTIONS

Laas moved to take Senate Bill No. 413 from Second Reading and refer it to Committee on Business and Industry.

Hall moved the previous question. Motion failed.

Thereupon, the motion by Laas carried.

Hall, having voted on the prevailing side on the previous motion, moved that the House reconsider its action on Senate Bill No. 413.

Motion failed.

and passed, title and history agreed to, and the bill is transmitted to the Senate for its concurrence.

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following House Bills were this day read three several times, and passed, title and history agreed to, and the bills are herewith transmitted to the Senate for concurrence.

House Bill No. 56 introduced by Bardanouve, Kosena, et al

House Bill No. 590 introduced by Fasbender and Lund

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following House Bill was correctly engrossed and is herewith transmitted to the Senate for concurrence.

House Bill No. 217 introduced by Lund and Kosena

Respectfully,

ED SMITH
Chief Clerk

March 10, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the report of the Free Conference Committee on Senate Bill No. 383 was, this day, adopted on roll call vote and the committee has been dissolved.

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day did accede to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House Amendments to Senate Bill No. 339.

The Speaker appointed the following:

Representative Greely, Chairman

Representative Baucus

Representative Hal Harper

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day did accede to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House Amendments to Senate Bill No. 363.

The Speaker appointed the following:

Representative Laas, Chairman

Representative Lien

Representative Lucas

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day did accede to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House Amendments to Senate Bill No. 214.

The Speaker appointed the following:

Representative Kendall, Chairman

Representative Norman

Representative Cox

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day did accede to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House Amendments to Senate Bill No. 28.

The Speaker appointed the following:

Representative Fasbender, Chairman

Representative Yardley

Representative Lockrem

Respectfully,

ED SMITH
Chief Clerk

March 12, 1973

Dear Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day did accede to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet

REPORTS OF STANDING COMMITTEES

The following committees submitted the following committee reports:

Mr. President: We, your Committee on Rules, having had under consideration Conference Committee Report on House Amendments to Senate Bill No. 129, respectfully report as follows: That Conference Committee Report on House Amendments to Senate Bill No. 129 may be considered properly before this body during the Special Session and be placed on Second Reading this day.

LYNCH, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 469, respectfully report as follows: That Senate Bill No. 469 do pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Executive Reorganization, having had under consideration Senate Bill No. 453, respectfully report as follows: That Senate Bill No. 453 be held over until the second half of the 43rd Legislative Session in January, 1974.

KEENAN. Chairman

Report adopted.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee submitted the following report:

March 17, 1973

Mr. President and Speaker of the House:

We, your Joint Senate and House Conference Committee on Senate Bill No. 28, beg leave to report as follows:

That we met Friday, March 16 and considered the House amendments to Senate Bill 28. The Joint Conference Committee recommends as follows:

That the green House substitute bill be amended as follows:

Amend Section 1, Subsection (b), line 2, after the word "be" by deleting the rest of the Subsection in its entirety and inserting in lieu thereof the following language: "appointed by the Supreme Court.";

And further amend Section 1, Subsection (c) after the word "judge" by deleting the rest of the Subsection (c) in its entirety and inserting in lieu thereof the following language: "elected by the district judges under an elective procedure initiated and conducted by the supreme court and certified to such election by the chief justice of the Supreme Court, and which for the purpose of the language of this act shall be considered as an appointment.";

And that the Senate accede to the remainder of the House amendments;

And that Senate Bill No. 28, as so amended, be concurred in.

For the House: FASBENDER
YARDLEY
LOCKREM

For the Senate: LYNCH
McKEON
MOORE

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communications from the House were received and read:

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that Senate Bill No. 183 has been corrected and is being returned to the Senate.

Respectfully,

ED SMITH
Chief Clerk

March 17, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that House Bill No. 613, introduced by the Committee on Local Government, was this day read three several times and passed, title and history agreed to, and the bill is herewith transmitted to the Senate for concurrence:

Respectfully,

ED SMITH
Chief Clerk

March 17, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day adopted the Free Joint Conference Committee Report on House Bill No. 334 and the committee has been dissolved.

Respectfully,

ED SMITH
Chief Clerk

March 17, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that Senate Bill No. 396, introduced by Deschamps, Flynn, et al, was this day read third time and concurred in, title and history agreed to, and the bill is herewith returned to the Senate.

Respectfully,

ED SMITH
Chief Clerk

MOTIONS AND RESOLUTIONS

SENATE RESOLUTION NO. 39

Introduced by McNamer, Hazelbaker

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DIRECTING THE APPOINTMENT OF A LEGISLATIVE IMPROVEMENT COMMITTEE TO STUDY THE INTERNAL WORKINGS OF THE MONTANA LEGISLATURE AND TO MAKE APPROPRIATE RECOMMENDATIONS FOR IMPROVEMENT OF THAT BODY.

WHEREAS, in the 1971-72 interim a subcommittee composed of four (4) legislative council members met to study Montana's legislative processes

(4) The environmental assessment shall accompany the preliminary plat and shall include:

(a) a description of every body or stream of surface water as may be affected by the proposed subdivision, together with available ground water information, and a description of the topography, vegetation and wildlife use within the area of the proposed subdivision:

(b) maps and tables showing soil types in the several parts of the proposed subdivision, and their suitability for any proposed developments in those several parts;

(c) a community impact report containing a statement of anticipated needs of the proposed subdivision for local services, including education and busing, roads and maintenance, water, sewage, and solid waste facilities, and fire and police protection;

(d) such additional relevant and reasonable information as may be required by the department through its division of planning and economic development.";

further amend page 9, section 5, subsection (3), line 13 by renumbering subsection (3) to be subsection "(5)";

further amend page 9, section 5, subsection (4), line 23 by renumbering subsection (4) to read subsection "(6)";

further amend page 10, section 5, subsection (5), line 5 by renumbering the subsection (5) to read subsection "(7)", and on line 8 following the word "body" by striking the words "may accept" and inserting in lieu thereof the words "shall require";

further amend page 10, section 5, subsection (5), following line 13 by adding a new subsection to read as follows "(8) In the event that any governing body has not adopted subdivision regulations by July 1, 1974, which meet or exceed the prescribed minimum requirements, the department shall, through its division of planning and economic development, no later than January 1, 1975, promulgate reasonable regulations to be enforced by the governing body. If at any time thereafter the governing body adopts its own subdivision regulations, these shall supersede those promulgated by the department but shall be less stringent.";

further amend page 10, section 6, subsection (1), line 25 following the word "lots" and before the word "are" by adding the words "or parcels";

further amend page 13, section 8, subsection (2), lines 24 and 25 following the word "within" by striking the words and figures "forty five (45) days" and inserting in lieu thereof the words and figures "sixty (60) days";

further amend page 14, section 8, subsection (3) line 11 following the word "WELFARE" by adding the punctuation and words ",including the environmental assessment,";

further amend page 16, section 9, subsection (2), line 9, following the word "it" by striking the words "for record"; and further amend line 9 following the word "when" by adding the punctuation and words ", and only when,"; and further amen don line 11 following the word "plat" by adding the words "and to the terms of this act and regulations adopted pursuant thereto".

And as amended, Senate Bill No. 208 Do Pass.

For the Senate: LYNCH
FLYNN
TURNAGE

For the House: SHELDEN
GUNDERSON
SCHYE

MOTIONS AND RESOLUTIONS

Upon motion of Senator Lynch, duly carried, that the Conference Committee Report on Senate Amendments to House Bill No. 131 and Conference Committee Report on House Amendments to Senate Bill No. 208 be placed on Second Reading for consideration this Legislative day.

INTRODUCTION OF SENATE BILLS

The following Senate Bill was introduced, posted and referred:

Senate Bill No. 476, introduced by Deschamps, Story, McOmber: A BILL FOR AN ACT ENTITLED: "AN ACT FOR REVISION OF THE LAWS RELATING TO THE DEPARTMENT OF LIVESTOCK AND PROVIDING THAT THIS ACT IS EFFECTIVE UPON ITS PASSAGE AND APPROVAL." Referred to Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bill was introduced, posted and referred:

House Bill No. 613, introduced by Committee on Local Government: A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A LAW ENFORCEMENT FUND WITHIN THE COUNTY BUDGET SYSTEM AND TO PROVIDE A REVENUE SOURCE FOR THE FUND." Referred to Committee on Local Government.

BUSINESS ON SECOND READING

Upon motion of Senator Lynch, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Siderius in the Chair. Committee arose.

Senate resumed. President Chrisitansen presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 469 do pass. Unanimously passed.

That consideration of House Bill No. 166 be passed. Unanimously passed.

That House Bill No. 477 be concurred in. Opposed by Bertsche, Bollinger, Boylan, Breeden, Devine, DeWolfe, Graham, Groff, James, Jensen, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McOmber, Nees, Rosell, Siderius, Sorenson, Thiessen, Zody.

That the Conference Committee Report on House Amendments to Senate Bill No. 129 be not concurred in. Opposed by Bennett, Bertsche, Bollinger, Devine, DeWolfe, Flynn, Gilfeather, Groff, Hall, Jensen, Keenan, Lynch, McCallum, McDonald, McKeon, McOmber, Nees, Shea, Siderius, Sorenson, Turnage, Vainio, Zody.

That the Conference Committee Report on House Amendments to Senate Bill No. 28 be concurred in. Unanimously concurred in.

That the Conference Committee Report on House Amendments to Senate Bill No. 208 be concurred in. Unanimously concurred in.

The the Free Conference Committee Report on House Bill No. 334 be concurred in. Unanimously concurred in.

like committee from the House to confer on Senate Amendments to House Bill No. 55.

The President appointed the following:

Senator Thiessen, Chairman
Senator Graham
Senator Himsl

Upon motion of Senator Lynch, duly carried, that the President be authorized to appoint a Conference Committee of three to meet with a like committee from the House to confer on Senate Amendments to House Bill No. 57.

The President appointed the following:

Senator Bollinger, Chairman
Senator Sorenson
Senator Deschamps

Upon motion of Senator Lynch, duly carried, that Conference Committee Report on House Amendments to Senate Bill No. 129 and Conference Committee Report on House Amendments to Senate Bill No. 109 and the Free Conference Committee Report on House Bill No. 575 be placed on Third Reading this day.

Senator Lynch moved that Senators Zody and Manning be excused from all roll calls on Third Reading.

THIRD READING OF BILLS

Senate Bill No. 469, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Mathers, McDonald, McGowan, McKeon, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Vainio. Total 42.

Noes: McCallum. Total 1.

Absent and not voting: Bennett, McNamer, Turnage. Total 3.

Excused: Drake, Goodheart, Manning, Zody. Total 4.

House Bill No. 477, having been read three several times, failed by the following roll call vote:

Ayes: Carl, Cochrane, Darrow, Gilfeather, Graham, Hall, Harrison, Hazelbaker, Keenan, Lowe, McGowan, McKeon, McNamer, Moore, Northey, Shea, Sorensen, Story. Total 18.

Noes: Aber, Bertsche, Bollinger, Boylan, Breeden, Broeder, Deschamps, Devine, DeWolfe, Flynn, Groff, Himsl, James, Jensen, Klindt, Lynch, Mathers, McCallum, McDonald, McOmber, Moritz, Nees, Rosell, Siderius, Thiessen, Vainio. Total 26.

Absent and not voting: Bennett, Turnage. Total 2.

Excused: Drake, Goodheart, Manning, Zody. Total 4.

The Conference Committee Report on House Amendments to Senate Bill No. 28, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Vainio. Total 44.

Noes: None.

Absent and not voting: Bennett, Turnage. Total 2.

Excused: Drake, Goodheart, Manning, Zody. Total 4.

The Conference Committee Report on House Amendments to Senate Bill No. 208, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Graham, Groff, Hall, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Thiessen, Vainio. Total 42.

Noes: Boylan, Story. Total 2.

Absent and not voting: Harrison, Turnage. Total 2.

Excused: Drake, Goodheart, Manning, Zody. Total 4.

The Conference Committee Report on House Amendments to Senate Bill No. 109, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Vainio. Total 45.

Noes: None.

Absent and not voting: Turnage. Total 1.

Excused: Drake, Goodheart, Manning, Zody. Total 4.

The Conference Committee Report on House Amendments to Senate Bill No. 129, having been read three several times, was concurred in by the following roll call vote:

Ayes: Bertsche, Bollinger, Boylan, Carl, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Hazelbaker, James, Jensen, Keenan, Lynch, McCallum, McDonald, McGowan, McKeon, McOmber, Nees, Shea, Siderius, Sorenson, Vainio, Zody. Total 29.

Noes: Aber, Bennett, Breeden, Broeder, Cochrane, Deschamps, Drake, Harrison, Himsl, Klindt, Lowe, Mathers, McNamer, Moore, Moritz, Northey, Rosell, Story, Thiessen. Total 19.

Absent and not voting: Turnage. Total 1.

Excused: Manning. Total 1.

(Paired: Zody, aye—Moore, no; Goodheart, aye—Klindt, no; Drake, no—Lynch, aye)

The Free Conference Committee Report on House Bill No. 334, having

I have examined Senate Bill No. 339 introduced by me and find the same to be correct.

MC NAMER

I have examined Senate Bill No. 377 introduced by me and find the same to be correct.

NORTHEY

I have examined Senate Bill No. 455 introduced by me and find the same to be correct.

GROFF

The President signed the following Senate Bills in open session, the titles having first been read:

Senate Bills Nos. 5, 12, 182, 339, 377, 455.

REPORTS OF STANDING COMMITTEES

The following committees submitted the following committee reports:

Mr. President: We, your Committee on Printing, to whom were referred Senate Resolutions Nos. 31 and 37 beg leave to report the same have this date been returned from the Printer correctly printed.

DE WOLFE, Chairman

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communications from the House were received and read:

March 19, 1973

Mr. President:

I am directed by the House to inform your Honorable Body that the following Joint Conference Committee Reports were this day adopted on roll call vote and the Committees were dissolved.

Conference Committee on Senate Bill 28

Conference Committee on House Bill 131

Conference Committee on Senate Bill 109

Free Conference Committee on House Bill 575

Free Conference Committee on Senate Bill 124.

Respectfully,

ED SMITH
Chief Clerk

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House did accede to the request of the Senate and the Speaker was authorized to appoint a Free Conference Committee to House Bill 463.

The Speaker appointed the following members:

Representative Norman, Chairman
Representative Yardley
Representative Olson

Respectfully,

ED SMITH
Chief Clerk

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House did accede to the request of the Senate and the Speaker was authorized to appoint a Joint Conference Committee to House Bill 509.

The Speaker appointed the following members:

Representative Fasbender
Representative Norman
Representative Fagg

Respectfully

ED SMITH
Chief Clerk

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House did accede to the request of the Senate and the Speaker was authorized to appoint a Conference Committee to House Bill No. 55.

The Speaker appointed the following members:

Representative Jacobsen
Representative Regan
Representative Nichols

Respectfully,

ED SMITH
Chief Clerk

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House did accede to the request of the Senate and the Speaker was authorized to appoint a conference Committee to House Bill No. 57.

The Speaker appointed the following members:

Representative Laas
Representative Bardanouve
Representative East

Respectfully,

ED SMITH
Chief Clerk

March 19, 1973

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that House Bill No. 611, this day was read three several times and passed, title and history agreed to and the bill is herewith transmitted to the Senate for its concurrence.

Respectfully,

ED SMITH
Chief Clerk

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Section 5. The department of revenue shall compile a list of all corporations, foreign and domestic, subject to taxation by the state of Montana under the terms of title 84, to be filed in the central reporting system. Said list shall contain the following information:

(1) the name of the corporation;

(2) the principal office of the corporation;

(3) the name and address of the registered agent of the corporation in Montana;

(4) whether the corporation filed such reports, returns, and other information pursuant to the terms of title 84, chapters 15 and 69.

Section 6. The department of revenue shall maintain the lists referred to in sections 3, 4 and 5 in such a manner as to cross-reference the information contained in the lists for the purpose of determining whether corporations, foreign and domestic, have complied with the terms of title 84, chapters 15 and 69, and the same list shall constitute a public record.

Section 7. The provisions of section 84-1507 shall not apply to the lists provided under the provisions of this act.

Section 8. This act shall be effective July 1, 1974.

Approved: March 24, 1973.

CHAPTER NO. 470

An Act Providing for the Filling of Vacancies in the Office of District Court Judge and Supreme Court Justice to Comply With Article VII, Section 8 of the 1972 Montana Constitution; Repealing Sections 93-209, 93-220, 93-309, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is created a judicial nomination commission for the state of Montana, whose function it shall be to provide the governor with a list of candidates for nominee to fill any vacancy on the supreme court or any district court of the state of Montana. The commission shall be composed of seven (7) members as follows:

(1) four (4) lay members, who are neither judges or attorneys, active or retired, and who shall reside in different geographical areas of the state; each of these four (4) members

shall be representative of a different industry, business or profession, whether or not actively so engaged or retired; such members shall be appointed by the governor;

(2) two (2) attorneys, actively engaged in the practice of law, one (1) from each congressional district, who shall be appointed by the supreme court;

(3) one (1) district judge elected by the district judges under an elective procedure initiated and conducted by the supreme court and certified to such election by the chief justice of the supreme court, and which for the purpose of the language of this act shall be considered as an appointment.

Section 2. (1) All original members named to the commission shall all serve until January 1, 1976. Their successors shall serve as follows:

(a) the members appointed by the governor shall serve for four (4) year terms;

(b) the attorneys elected shall serve a two (2) year term;

(c) the judge elected shall serve a two (2) year term.

(2) Thereafter all members shall serve terms of four (4) years.

(3) In the event a vacancy on the commission occurs, the governor shall appoint a replacement for the remainder of the term, provided such replacement shall be a member of the same group as the member he replaces.

(4) Appointments provided for in this section shall be made within thirty (30) days of the completion of the preceding terms, or within thirty (30) days of the occurrence of any vacancy.

Section 3. The commission shall elect one (1) of its members to serve as the secretary, and upon such election shall notify the governor of the name and mailing address of such person; the secretary shall keep a record of all proceedings by the commission, and act as corresponding secretary with the governor's office.

Section 4. Four (4) members of the commission shall constitute a quorum for the transaction of business. To submit a name to the governor, there must be a concurrence of at least four (4) members.

Section 5. The commission and each member is authorized to make investigations concerning the qualifications of eligible persons, and any lawyer in good standing who has the qualifications set forth by law for holding judicial office, may be a candidate,

and may make application to the commission for consideration, or application may be made by any person on his behalf.

Section 6. The commission shall meet forthwith after a vacancy occurs on the supreme court or district court and submit to the governor within thirty (30) days from the date of the vacancy a list of not less than three (3), nor more than five (5) persons.

Section 7. The governor must make an appointment from those names submitted by the commission.

Section 8. If the governor fails to nominate within thirty (30) days after receipt of the list, the chief justice or acting chief justice shall make the nomination.

Section 9. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session is effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

Section 10. A nominee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds the office for the remainder of the unexpired term.

Section 11. Members of the commission are not eligible for nomination to a judicial office during their term on the commission or for one (1) year thereafter.

Section 12. The members of the commission are not entitled to compensation for their services, but they are entitled to actual expenses while actually engaged in the discharge of their official duties.

Section 13. The commission shall make rules for the conduct of its affairs and to provide for the confidentiality of its proceedings.

Section 14. Sections 93-209, 93-220, and 93-309, R.C.M. 1947, are repealed.

Approved: March 27, 1973.

CHAPTER NO. 471

An Act Providing Compensation for Injuries Producing Total Temporary Disability Under the Workmen's Compensation Act; Repealing Section 92-701, R.C.M. 1947.